

Appearances

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The Draft Environmental Impact Statement (DEIS) Public Hearing held at the Education Building, White Mesa Ute Reservation, White Mesa, Utah, on the 27th day of January, 2005, at 10:00 o'clock a.m., before Joseph J. Rusk, Registered Professional Reporter and Notary Public at Large.

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Document #65 Heart, Manuel Ute Mountain Ute Tribe

MS. RYAN: Manuel Heart.

MR. HEART: Good morning, my name is Manuel Heart, I am the vice-chairman of the Ute Tribe.

We have had some of these meetings up in Moab and also here, and up at the mill, and I am glad, Vivian, from the Department of DOE, I am glad you are here. Some of our meetings in the past we have asked representation from the Washington D.C. department, you guys that are here work under the department of the DOE or are affiliated to it in some way or another.

Now, the culture guy down here at the end who thinks he is a culture expert on a lot of things, but culturally Native Americans are experts on cultural stuff themselves. These guys are just learning, and they just know the very basics of cultural stuff. I want to make that very clear.

Also I want to make clear a government-to-government relationship with Washington, D.C. in a federally recognized tribe, the sovereignty that we have, it has to be put on record that we are a sovereign nation and we have to have this government-to-government relationship.

Now, this gentleman talked about a few items here. He mentioned one thing, something about a big pile that it comes down to the White Mesa mill, and just keep in mind, this is only a draft,

correct. And only looking at possibly three sites, Klondike Flats, Crescent Junction, the White Mesa mill. And what comes into play is money.

Right now we are in the middle of a war that the United States Government is unable to put enough money to put a slurry down here. If they do, there comes water, water rights out of the Colorado, how are you going to push that stuff if you don't have water rights behind that to push that tailings down here? So you have got issues of water rights out of the Colorado, and there is none, there is no extra water anywhere to push that slurry. The cost of bringing it down here is the most, 75 million, if the United States Government wants to do that. There are places out there at Klondike Flats which will have the least impact, the least impact on everything. There is already a railroad right there, transportation is there, a short distance, we are talking about a community, there was one community that was possibly a site, which was Green River, and they said population base, our population is growing here so we want to take that off one of our sites.

We also here have a population base that is growing also, and that has impact to our future.

So I really want to make this clear. Transportation, they talked about trucking also. Sometimes in the past we have had some trucking problems coming back and forth from tailings falling out of the back and not really properly strapped down. I have had community members complaining that they turn into the mill up here and there are some tailings on the road. Who is going to be accountable for things like that?

Looking at our future impact, we have our groundwater resource for this community underneath this mill up here. We have probably three cells up here, and in the future, the extent to put in more cells and more tailings in here, impact where the tailings are going to be coming from. Currently the State of Utah is opposing the nuclear waste proposal up in the northwest. Once you open that up, and we have opened this mill down here to more tailings coming in here, the impacts it will have on the future from outside of the state, not only uranium tailings, but nuclear waste, the impacts that it will have for the State of Utah. We need not look at a residue for the State of Utah, but the health impacts it will have, environmental impacts it will have, all of these come into play, Clean Water Act, air quality, your major fishing, yes, fish are in there, but we also as humans have to live on this land, too.

We have been in litigation for probably the last 30 to 50 years in the water rights settlement over in the Durango area, over those projects, and the fish was more important than the humans. The fish was very important to the Endangered Species Act. They were more important than the humans, and that is what they were trying to do in that project over there, and not have that project go through.

Things come up like this from environmentalists.

So I need to look out long-term as a Tribal official, for my Tribal members here, and the impacts it will have on my kids, my grandkids, their grandkids. We are a growing population, we have cultural sites here, probably over 120 cultural sites.

I have people I would like to introduce here. Bill Johnson, from the Legal Department; Tom Reichart, Environmental Department; Terry Knight, Cultural; Carl Knight, Land Commissioner. We have Elaine, she was here; council members; and our community members back there from

the White Mesa community. All these people who I am advocating for today, because this thing is not good for this community. We need to look at it, and talk right now about what is a good site. We propose the Klondike Flats, Crescent Junction areas as the site for the tailings. To bring it down here, long-term, is not feasible for us, it is for the United States Government, Department of Energy, it is just not feasible. So we recommend them two other sites.

As these guys come up and do their testimony and put it on record, what they feel also, that is up to them, the White Mesa Ute Tribe.

That is all.

Document #66 Knight, Terry Ute Mountain Ute Tribe

MS. RYAN: Terry Knight.

MR. KNIGHT: Good morning. I just want to make a few follow-up comments to what Manuel was talking about, and I just can't get over this idea where initially at some of the other meetings where we were at, like some of the other towns like Green River. Green River was taken off the list of places to take this uranium tailings to, because of the population there, or whatever. They had criteria of why they couldn't take it there, and we were told that the criteria for White Mesa mirrored the criteria that qualified Green River to take it off the list. So we said, why wasn't White Mesa taken off. So from that time on, I have had a problem with this wondering who and why keeps pushing this, the option to bring it down to White Mesa. Yes, we have a mill, you know, here, and that has been taken care of, but people are saying, no. And we don't understand, I don't understand which part of no that the State of Utah, the Department of Energy, and IUC don't understand. Maybe if I talked Ute to them maybe they might understand that, or Spanish or something.

But one thing that we do understand is dollars. And so that is where the amount of money that is going to be given to the State of Utah for monitoring whatever we are talking about, contracts and other things, and it is a large sum of money that would either go to the county or someone in the state there. And when you look at it, to endangering a number of people, it is just a few dollars, maybe millions and millions of dollars, but it is just a few for how long and for what, you know, because this is going to have a lasting effect. Just like our body—we cut ourself, it will heal, but it is going to leave a scar. How long does it take for uranium to dissolve, how many thousands of years? About 5 million years, so our people aren't going to be around that long, and just looking at it in that sense, you know, there is some horse-trading, back-room trading, whatever, and I just don't understand where people that are supporting within the state administration, within the Department of Energy, and of course ICU supporting, they are going to make money on it. Why would they keep pushing a bad situation? You know, this kind of really pisses our people off, and they think we are stupid. Like Manuel said, we were not as -- we don't rate as high as the fish that are going to be extinct or anything, you know. It is just another example of what non-Indian mentality is, of Indian people. And they are just people, you remember that.

So just, you know, just say, well, what I read in some of the history books when the Mormons came and wanted to go down there and clear that area, and they didn't mean clear it of the vegetation, that meant wipe the Indians off, get them off of there. It kind of makes me think

about those things, I wonder why. Yes, there is money involved, but is it that important? If it is, then move it over to Klondike. You know, we said, yeah, that is our part of our migration routes that the Ute people used. We are still going to be giving up something.

But the other thing that bothers me, if you start digging around there, maybe the reason they don't want to move it over to Klondike Flats is that when I go through there, there is a lot of people on the mountain bikes and horse riding, and maybe those people are, you know, recreational people, whatever, maybe they are, and they don't want to give that up, but they sure want to stick it down our throat.

But then again, the Ute people said that is part of our migration area. So we would be willing to, you know, let you have that.

And the other thing is the use of water. Manuel says, there is no water to be allocated anywhere in the west, and among the water allocated it is already over-allocated. Where are you going to get the water that is on the white man sites, but on the Indian site you can't do that with the water. After you get it down there, what are you going to do with it, wait 5 million years? No, that is definitely a no-no, and you are not supposed to do that with the water. Water is our lifeblood. We can't use it just to use it as a slurry. And, you know, this is one of the main things that we have. And so, like, and the costs, who is going to pay for it? You know, we are talking about the war and everything. But there is nowhere anywhere, within these meetings that we had, that I have attended, is there any kind of guarantee that would assure anybody, any person that this is safe and it is going to be safe, you know, and if something happens within this transit line, you people can always get up and go, you know, you came from Europe anyway, and you can go someplace else, but we can't. We live here, we are part of this, and we don't want this thing to happen. Like I said, we want to stay here, we want to live here. And so, you know, I hope you take this into account, think about it, what if it was in your back yard, what would you say? This whole area, this whole earth is our back yard, so we have that sentiment on it. So think about it in those personal terms. What would you do if they were going to do this in your back yard and you have your cemetery and your people? I am not even touching on the cultural stuff, and all that, that is going to take place. But if it does, then we have got numerous construction and resources, if it does, you are not going to do it without us cashing in on it, too, either way. That is all.

MR. METZLER: Thank you, Terry, a good strong message.

Document #67 Knight, Carl Ute Mountain Ute Tribe

MS. RYAN: Carl Knight.

MR. KNIGHT: Good morning, I think we are learning something here from the things that they use for destroying people. My name is Carl Knight, and I am the Ute Mountain Tribe Land Commissioner. I am sorry, I kind of forgot how the procedure goes, so, but anyway, you know, what I was saying about these things, you know, when you look at it within an individual's mind, you know what you want, you know what the road of life is for yourself, and you understand that. And when you are an individual, regardless of who you are, and where you come from, you do have that right as a person, and you look at it in any category, a person has a right. I have a right, and the rest of us out there listening, you do have that right also. And when it comes to maybe violating that right that you have, as an individual, a group, organization, agency, and

when it comes to Indian Tribes, those Indian Tribes are a little bit different, and I don't think there is very many, not very many people that understand that. So when it comes to them they are not Tribes, they are nations, and that nation, that word nation, carries a lot of weight, and to hear one resource that I am talking about, get ahold of that law of nations, and they will explain it to you exactly what it is. And what I see is within that law of nations, the Ute Nation, if this does not go like the Tribe wants it, and then it is a violation, a violation of that law of nations, because they do have that right. Simply, the Tribe itself, is known as sane. This is dangerous, this is not for us, in a polite way of saying, please, don't bestow White Mesa with this uranium. Take it someplace else.

And that is why we have been at this for quite some time. And there are two sites that we are talking about up north in that kind of a remote area up there. If you are a normal person, you will say, that hardly anybody that lives there, there is no danger to human life. But here, in White Mesa when you look at it, there are people here. And it would be kind of a thing within a normal person's mind, by looking at the situation, to say, well, they have got some people down around Blanding, White Mesa, wouldn't it be better if we took it out there where there is hardly anybody around.

On the other hand, uranium, I have done a little research over the stuff, and when you come to meetings like this, the good parts, the good part is to want what people focus on. But let me remind you, there is the bad part to that thing, too. The dangerous part of it, what it can do to a person, to an animal, to a plant life, it is very dangerous, but, you know, people don't talk about those things. And I am saying that within that line, what government agencies do, they don't just do things, they have a plan, they have a plan in place. So I am saying I think there is a plan for this, for this situation that we are talking about. Some people call it the preplan analysis. And other times the public have been used because that is not really -- that is not really how it is going to be, and they call it a public meeting, scoping meetings. But the plan that I am talking about is underneath all of this, and this is the way it is going to be, regardless of how many people oppose it, are offended, and I know what it is.

And I am saying for the people that is here, these people have that preplan analysis, and these, too, the Ute Mountain Tribe would like to have a copy of it, because I have seen it, I have seen it in different situations, to where there is always a plan. These people don't do things just to be doing things. That is how it is.

So I am saying along with my Tribal members here, that I think that with the benefit that people within the Blanding area, the White Mesa site area, and the people to the south toward the San Juan River, because if that uranium, if it ever gets away from these people, and then you have got the people to the south on that same drainage, and, you know, if it got worse, it could end up down in Mexico, and take up everything, contaminate everything to where that water flows. Even Las Vegas.

So I am saying this is not just a little thing. I think it needs to have a good look at things because it involves human lives, the way of life, because we are going to be here, we are not going to go nowhere. But if you want to know that it is going to make it to where you want to make the money off of this, on the Ute site, I am going to get my part, my pay, and then I am going to move on out, and go find something else to do.

But I am glad in a way that I was heard, and there is a person here from D.C. It is kind of nice to have somebody from out there to come out here, and kind of know about the situation, of what is going on here. Because from what little I know, some of those people back there have never been here in the west. And I always said, can you make a decision with an issue that is going on in the west, how can you make that decision if you have never been there? That is what runs through my mind. But if you have been here and look at the grounds here, and then go back to the place where you come from, and look at it, and say, hey, this was a different experience. Now, that is what it is. I think we need to all understand and have that respect for each other as human people, not as I am better than they are, or I carry more weight, or I am the president of ICU, or whatever, you know, it don't work that way.

But I have seen it, and they call it kind of more like a big shot or something like that, you know.

But, you know, I am saying that something like this, you know, I kind of understand where the back-room deal comes in, too, and I have seen this, too, and I could pick it up quick, because I know what it is.

So, you know, there is a lot of those that go on, too. And when that happens, it is benefiting just one group, or benefiting an individual, and that doesn't go very good, because what it does, it leaves a paper trail, and somewhere along the way, it is going to catch up with you. And it is not a very pretty sight, in that back-room dealing, it is a separate deal. Like the old saying, there is no honor among thieves. But I am saying keep it in the back of your mind that the people on White Mesa and behind it, we don't need a dangerous type of a chemical here, take it someplace else, and leave it there.

And I think the Ute people here are going to be here for a long, long, time, because it is not pretty, this uranium is not pretty. It deforms kids that is born, and this type of a thing, that is what we don't see when we have meetings like this, things like that, to me, to me it is dangerous. That is what I want to say.

Thank you all.

MR. METZLER: Thank you, Carl.

Document #68 Redhouse, John Diné CARE

MS. RYAN: John Redhouse.

MR. REDHOUSE: I will be brief. My name is John Redhouse, I am Navajo and Ute, and I am here representing the Diné CARE citizens against ruining our environment, and our organizational position is that we are opposed to the selection of the White Mesa alternative as the preferred alternative for the reasons that are being stated today, that if this is selected and implemented it will result in environmental and cultural ruination, the kind of destruction that cannot be mitigated, but it can be avoided. So that is why we are participating in this public hearing process, in the EIS process. We also participated in the scoping meetings of two years ago. We also submitted written comments, and we will submit written comments on the Draft EIS by the February 18th deadline.

Also the next-year coordinator Allen Frazier will also be participating in the public hearings in Blanding this evening, and will amplify on our organizational position.

We are also opposed to the continuation of the White Mesa mill for reprocessing, disposal and milling purposes. Milling I know is being considered, and will result in the expansion of the White Mesa facility. Uranium mining is beginning to pick up on the south rim and north rims of the Grand Canyon, and also other parts of the Colorado Plateau. This will result in destruction, environmental and cultural destruction of Indian Tribes and Indian Nations here in the Four Corners of the Southwest, of the American Southwest. The Havasupai are the keepers of the Grand Canyon as are the Hualapai people. The trucking of the uranium ore from these mills, that IUC does have interest in, on the north and south rims of the Grand Canyon will also affect the Navajo, Hopi and the Southern Paiute Band, living in the Tuba City area.

And this uranium from the exploration of the mining, the milling, the disposal, it is like a cancer on the earth, and it must be stopped, it must be kept in the ground. And that is and will always be the organizational position of the Diné Care.

Thank you.

MR. METZLER: Thank you.

Document #69 Badback, Yolanda Individual

MS. RYAN: Yolanda Badback.

MS. BADBACK: My name is Yolanda Badback, I am one of the concerned residents here. I have got a paper here that I would look to present to the DOE here, it is a complaint that I want to give you guys, because you guys -- I have been attending meetings and you guys have not been hearing the words that we have been saying all the times at the meetings.

I have been attending meetings in Salt Lake, at the Radon Control Board there in which I keep giving papers out to them telling them what my concerns were and how I felt about having you guys bringing it down to the mill here. As for being a resident here I don't know of any other community members here that was aware of this meeting here, I haven't seen no fliers put out or anything. I don't know if the people here knew about this meeting or anything. But I got a call and they told me that they are holding a meeting here, so I took the time off of work just to attend this meeting, so I am here today, and to tell you my thoughts. After being a community member here, I do not like that the EIS does not have a translator to be before the community here since we have the elderlys here. We have a few elderlys that do not understand what is going on, even though you try to explain it to them and some of them, they say, they tell you a long story and they say, you know, where we come out and tell the public but there is nobody that will translate it. So I don't know if any of them are around here or anything, and I just present this paper.

That is all I have got to say.

MR. METZLER: Thank you.

MR. METZLER: We will make this paper a part of the record.

Document #70 Whiskers, Thelma Individual

MS. RYAN: Next is Thelma Whiskers.

MS. WHISKERS: Good morning, good to see you people here, and I also am glad the councilmen are here.

And my name is Thelma Whiskers, and I am half Navajo and I am half Ute, and I am one of the elderlys here, and I talk Navajo and I talk Ute and I talk English real good, for them to understand, when I talk to them.

So, way back, me and my families, we have been fighting against this White Mesa mill for years and years. So finally, we invite the councilmen for them to know that when we are going to have the meeting. We have been going to the board meetings in Salt Lake, and I have been going to meetings in South Dakota, I have been to meetings in Idaho, Farmington, Shiprock, and I have got a lot of good friends, they are behind me, and here for myself, here -- I am not here myself, I am here with a lot of people are behind me. And I am so happy, and I work with my elderlys for them to understand, and the White Mesa mill is dangerous, and we don't want it to be close to our Reservation. We want it to be out of here, put it somewhere else.

I explain everything to them, and my people here, I care for them, especially the little kids. I really care for them. I am not on a board, I am not on anything. I care for my people, I love them, I explain everything to them, it is dangerous. This thing I am fighting against it. If I wasn't fighting against it this place will be going, it will be going.

So I have been going to Salt Lake to board meetings and here. They are treating me like I am a little puppy, I was a little puppy, they didn't listen to me. I was complaining like this, same old words, I have been complaining to this.

So me and my daughter and my grandkids, we have been going to the meetings. So I got my families together and I said, you know what, we have got to do something, let's tell our councilmen, let's all tell our representatives for them to help us, help us, be with us, it wouldn't work. We are the only ones here in front of the radiation board. They are treating us like little dogs. They don't recognize our Reservation, they don't, they look over us. That is what they have been doing. They now -- so, I work with the person, we all got together, and we work together, and I am so happy that I am fighting against this. I don't want it to be close to our Reservation. No, that is dangerous, we don't want it.

Since they closed that place, it is nice and clear, nice air every time when we go out, every morning. Before that, no, when we go out we used to smell that pollution. I wish you people would understand. I wish you would listen to us people here, from the Ute, Ute Tribe people here. I am, I am one of the elderlys, that is the way I feel because I have got a lot of grandkids, I care for the young ones, and here my nephew, he is suffering from the radiation, he is suffering. If it wasn't for me, yeah, it still would be going. If I didn't stand like this in front of you people, if I say, oh, it is none of my business, let it go. I don't even work for the money, I am not asking for the money, no, I am doing it on my own. I am doing it for my people here on this Reservation

here. I get in front of the Radiation Board for years, years, years, and hear the people, and they started hearing my name, Thelma Whiskers, she is alone out there, fighting against the white nation. They are treating her like a little dog.

So all the people from the south I met, they are my friends, they are helping me, they are behind me. Now I am really happy to see the councilmen are here, they are behind me now. I am real happy for them to help me. I am glad that they are here, they go to meetings, they went to the Green River meetings, they went to the Moab meetings, they were all here. I thought I was going to be there by myself again, standing in front of the Ute people here. And I am so happy for these guys are behind me.

I prayed every morning, so I am not by myself, I have got a lot of people from down south are helping me, they are behind me. So that is why I am standing right here. I am real proud of myself, standing on my feet here telling you people, I am against it, I don't like it to be close to our Reservation. Which is I care for my grandkids, my kids, young people for elderly.

Now people are asking me, did they shut this place down? I don't promise them, I say I don't know. They ask me, you are the one fighting against it. Is that closed? Oh, that is good if it is closed down. You did really hard work to shut this place down up here.

My people here they don't get their water from this White Mesa water, they go uptown and haul this water, the drinking water. Even the young ones got, they got health problems, they think it is from the water that they drink. You never know, if it wasn't for me, these meetings would be boring. No, I said I don't want it to be close to our Reservation. Which is I care for my people here.

I stand up to the people when I go to meetings, I talk Navajo to them, they look at me, I thought you were Ute? Yeah, I am half. I am half Navajo and half Ute. But there is no hardly young people talks Ute, they just talk English. But I talk Ute and Navajo to my grandkids for them to understand, and what they are, what their plan is, for them to know.

And the sagebrush that we use for our home, for our fever, look what happened, there is nothing. And during the springtime, we usually get our tea, Indian tea, nice, and blooms with yellow flowers. No, we don't see that anymore, because of this White Mesa mill up here.

Yeah, they, you people used to treat me like a little puppy, and I spread all my words, I need help, I want you people to help me, back me up, for you people to stand behind me. Let's shut this place down, tell them to get out of here, move it somewhere else where they have got water. Here we have got no water.

For myself, I look at it now, because we stopped, now we have got good weather, it rains, moisture on our ground, maybe this springtime we are going to have a good, nice flowers around us, because there is no pollution, no smoke. It was killing our plants, what we used to use. Now, it rains good, now we are going to have a good land here, because we stopped this, there is no smoke, everything.

So I am here, and I am glad to see you people here, to be here on this White Mesa Ute Reservation.

I am not an agitated person, I am not on anything, I am not one of the board members, I am just living here on this Reservation. I help my people for them to understand. And good to see you people here.

Document #71 Angel, Bradley Green Action for Health and Environmental Justice

MS. RYAN: Next is Bradley Angel.

MR. ANGEL: Good morning, my name is Bradley Angel, and I am really glad to be here today, and I want to thank the Tribe members for inviting me to join them in speaking here today and support your efforts to stop the proposal to dump the radioactive toxic waste on White Mesa.

I will be here speaking today primarily as the director of the organization that works with rural and urban and desert and indigent communities here in Utah, and our organization is called Green Action for Health and Environmental Justice.

And our organization works with communities like yours, that basically affects your health and well-being, both from pollution, dirty industry and from governmental agencies, that sometimes and frequently I think that certain people are less important than others, and forget that their mandate is to uphold the law and treat all people of our country equally, and with the idea of democracy and justice that this country is supposedly founded on.

Last night there were a lot of people in Moab, and I am glad you folks are here today, too, and everybody who spoke last night is saying the same things that we are hearing today, people want the mess by the Colorado River moved, and they want it moved north, to the safest possible place, and in the safest way possible. Nobody wants it coming here, except IUC, and I am afraid possibly the Department of Energy.

A few minutes ago, Tribe members presented a document, and I just want to go through some of that, and that was some Tribal members charging the U.S. Department of Energy with violating the civil rights of the Tribal members, and charging the U.S. Department of Energy in the formal decision complaint with taking action that desecrates sacred sites, interferes with traditional religious practices, and violates government mandates to uphold environmental justice. Why does that complaint have to be considered, why is it important? The Department of Energy by law has to consider all reasonable alternatives when discussing what to and deciding what to do with the Moab waste. And it is incredible and outrageous and unacceptable that somehow the Department of Energy we pay with our tax dollars somehow thinks it is reasonable to dump radioactive and toxic waste, slurring it and using incredible amounts of precious water to be dumped here and to dump it next to the White Mesa Ute community on top of very sacred and cultural important sites. You know, in September 2003 I was at the meeting we had in Moab, and a number of the officials were there, and they spoke eloquently then, and I recall Mr. Knight, as he did today, say, what is it about no that you don't understand. And I think it is really important that the opening comment today from Mr. Heart point out that it is the Tribe, the Tribal members that are the cultural experts, not the DOE. But the DOE doesn't seem to understand that.

The Tribal members and Tribal officials this morning brought out today, as they did a year and a half ago, that East Carbon was eliminated, that Green River was eliminated, and yet White Mesa

continues to be considered. And I am extremely worried that all the good words and facts that were presented here this morning, were actually presented at the scoping, and presented in the confrontation meetings, and seeing that the DOE must have a hole in the head, and going in one ear and clearly out the other.

One of the impacts that is not being considered is that the Tribal document has other responsibilities. They have to protect their people and land and culture. They should not have to be spending their limited time and resources fighting this outrageous and I believe illegal proposal. The complaint that was filed, sent in the mail yesterday to the Department of Energy in Washington D.C. was presented, has four main parts. I will quickly go through them.

One, is that the Department of Energy violated the Executive Order 12898, which requires federal agencies to take environmental justice concerns into consideration. And not taking action, and addressing them as appropriate, disproportionately high and adverse human health or environmental effects of its programs on minority population.

Now, how is it that dumping radioactive and toxic wastes next to White Mesa Ute community on top of so many culturally significant sites is not arbitrary and discriminatory? It is.

How is it that eliminating the white community of Green River and East Carbon from consideration, but leaving White Mesa in, which is even closer, is not discrimination? It is.

Secondly, the Executive Order 13007, provides for the protection of Indian sacred sites, and it says that the federal government shall accommodate access to and ceremonial use of the Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites.

Please tell me, dumping radioactive and toxic waste directly on top of these sites would not desecrate and affect their physical integrity, it of course does.

Thirdly, Executive Order 13175, Tribal Consultation. As the Tribal government officials made very clear today and have made very clear in the past, you can't just convene a meeting and say you are consulted. This is land, it is the original land. Where I live I could get up and move, you people can't, this is your homeland, and that was not addressed in the draft EIS. So the Tribal consultation, I believe, has been a mockery, and the Tribe deserves to be treated by law and by right.

And lastly, 42 U.S.C.A., Section 1996, federal statute, Protection and Preservation of Traditional Religions of Native Americans. And it says, you shall preserve for American Indians their inherent right or freedom to believe, express and exercise their traditional religion.

You just heard testimony again, as we have in the past, that that is not being adhered to, and that if in the alternative carried out that is a violation.

So not only should you not do it because it is the right thing to do, you must eliminate White Mesa from consideration because the law requires that you do so.

Lastly, I just want to say, there is one other thing that is not addressed in your Draft EIS, and not just from me as a director of an organization, with constituents in Moab, down to Arizona, a lot of the Tribes along the Colorado River, we guarantee that if this proposal is to be effected, there will be legal challenges, there will be administrative challenges, there will be nonviolent tactics to make sure there is no slurry line coming here, and it will cost incredible amounts in delay and financial costs that you haven't projected, and I am just giving you advance warning, it will be a fight that you don't want to get into.

Thank you.

MR. METZLER: Thank you.

Document #72 Fields, Sarah Individual

MS. RYAN: Sarah Fields.

MS. FIELDS: My name is Sarah Fields, and I am speaking as a citizen of Southeastern Utah.

I come here from Moab, and last night I was at the hearing in Moab where there were over 100 people, I believe, and probably at least 50 people spoke, and it was I believe unanimous that the people of Moab want the tailings to be moved off the floodplain, off the Colorado River.

The citizens of Moab and Grand County also do not wish to have the tailings moved to White Mesa. A number of people spoke to that, and even if the tailings coming to White Mesa would not they also have to go through the city of Moab. The people in Grand County do not want it to come down here. That waste created in Grand County, the citizens of Grand County benefited from the mining operation in Grand County, and they feel that it is Grand County's problem. And the law requires that the tailings should be put in the most isolated situation where the tailings would have the least possibility for human intrusion, and environmental intrusion, and would be least likely to contaminate the environment. That certainly eliminates the White Mesa option.

At the meeting last night the DOE said that the documents that were used for the DEIS were available. Well, yesterday morning I went to the Grand County library, where I have been continually doing research on various aspects of this, to take a look at the IUC proposal, because it is referenced. All I found was some colored slides from a presentation that IUC gave to the DOE or somebody at some meeting. The actual application that IUC submitted to the Department of Energy wasn't there. So it was not available to me to even comment in the DEIS process. Now, apparently the reason it wasn't there was because they submitted a copy to the Department of Energy, which has a lot of what is called proprietary information. Well, in that case the DOE is obligated to create a -- oh, somebody is talking, I am sorry.

The DOE should create a copy that has that proprietary information removed, and make that available to everyone. We shouldn't have to do a formal request to get that.

I also wanted to look at the cultural sites report that archaeology had created, and that is also referenced in the EIS. All I found was a cover sheet stamped confidential. So I couldn't even take a look at that. And I notice in the DEIS, it is pretty skinny when it comes to a description of

the types of archaeological sites and the types of cultural resources that would be impacted if the tailings came down here. It has nothing, no pictures, there are no photographs, nothing to give the decision-makers any idea of what would actually be initiated, and there is not really any description of what mitigation means. Mitigation for cultural sites means the cultural sites gets dug up a little bit and people remove, they remove the bones, they remove the artifacts, the pots, the shards, the arrowheads, and then the site is totally destroyed, that is what mitigation means. Mitigation means destruction.

Oh, another aspect of moving the tailings down to White Mesa is the fact that if they moved it by slurry line they would have to put a slurry line from the Moab site probably underneath the Colorado River, and across the Matheson Wetlands. The Matheson Wetlands are the largest wetlands on the Colorado River. The wetlands are owned and taken care of by the State of Utah and the Nature Conservancy. No one in the Department of Energy ever went to the Nature Conservancy, and I am unsure about whether they went to the State of Utah, but I know they never went to the Nature Conservancy and said, well, what do you think about this? Are you going to give us permission to put this slurry line across the wetlands? And if they had asked, they would have found out that the Nature Conservancy is not going to give them permission to run a slurry pipeline across the wetlands. But I guess the DOE has counted on their ability to -- the power of eminent domain when they just come along and say, okay, we have this project going and we are going to do it no matter what you think and no matter what you say.

The city of Moab is very concerned about putting a slurry pipeline through Moab. They are very concerned about trucking the tailings through Moab. So the people down here can count on the help and support of Grand County and the people of Moab to fight any possibility that the tailings would come down to White Mesa. Grand County does not want that option.

And just like Grand County, the city of Moab does not want the tailings to be left on the banks of the Colorado River, and there will be administrative challenges, there will be legal challenges, if the DOE makes any determination to leave the tailings in place.

So I think between San Juan and Grand County we have two options that are off the table.

The first option is leaving the tailings in place, that is off the table.

The second option is moving the tailings down to San Juan County, that is off the table. And I sure hope the Department of Energy gets that message.

Thank you.

Document #73 Beck, Dudley Individual

MS. PETERSON: Mr. Beck.

MR. BECK: Good morning, my name is Dudley Beck, D-u-d-l-e-y, B-e-c-k, I live in Bluff, Utah, I have been there about a year and a half. I came to Bluff after 18 years in Tuba City working with the Public Health Service.

I just want to say, and add my name to the list of people against moving the mill tailings to White Mesa. I am very happy to hear the comments today, and particularly in reference to eliminating the White Mesa for anything, irrespective of the problem in Moab. I was glad to hear that.

I have had tremendous respect for the Iroquois Nation since I was a young boy because of their philosophy of taking care of seven generations and planning for anything and everything that they do, and I have seen that throughout my lifetime now, in the native people, and the Navajo and the northwest Tribes, and I am glad to hear that is alive and well in the Utes, and I just wish it was alive and well throughout the white community throughout this great nation.

I am very scared as an individual, with the administration of this country. I think they have a plan and they could care less what most of us think or say. And that scares me. Our administration doesn't want to listen to science. We have great universities throughout the country who have spent years training scientists so that the administration can rely on their judgment in making decisions, and that does not appear to be happening.

When you are talking about global warming or clean energy use, and I would love to see us move back to the earlier philosophy of clean energy, and away from the uranium, and the coal-fired plants that created environmental problems for our community that we can ill-afford and that will affect our children and our grandchildren and our grandchildren's children.

We don't want, I don't want their blood money. There is no amount of money they can give us to mitigate these problems. And I would hope tonight that the San Juan County Commissioners would go on record against this formal process that we have been asked to participate in.

Thank you.

MR. METZLER: Thank you.

Document #74 Atcitty, Elaine White Mesa Ute Indian Tribe

MS. RYAN: Elaine Atcitty. I also want to thank Elaine and her staff for their part in getting us set up for this meeting. Thank you.

MS. ATCITY: I am with the Ute Tribal Council.

First of all, I would like to thank my Vice Chairman, Art, for being here, our legal counsel, William Johnson, Tom Rice, Terry Knight and Carl Knight for also being here and a couple other community members.

And, you know, we had these meetings for so many years now, and we had set up the meetings here, about three or four times a year in the past, as I do recall, and I continue to hear the same things, and I think all the people continue to hear the same things. What I don't quite understand is what part is it, like our Tribal Councilman said, what part is it that is going to get the DOE to eliminate White Mesa from being a site. You know, I see a lot of comments, and I hear a lot of complaints about the uranium mill out there at White Mesa. Air pollution is one part of them, water is another. It is not going to affect us tomorrow or next year, but in the years to come. That is what we are afraid of here in the White Mesa community, that our water is going to be gone

and the uranium tailings will be getting into our water. Where are we going to go from here, where are we going to go tomorrow. I heard a lot of comments about dollars being exchanged. Yes, that is true, but for who. It is not White Mesa, it is not for me, nor is it for our grandkids. All we are taken away from is our house and our grandkids' house. What is it that, you know, that DOE and the uranium tailings, the people who do this, are going to say the day that we don't need this on our reservation. I have seen it come all across this United States, but I don't see it in the east there, but out in the isolated areas in the west, for the native Americans. This is their homeland, this is sovereign land, our great-great-grandfathers lived here. Yes, we had mining, back then, but they have long been shut down. There are some concerns. Mr. Heart, Vice Chairman Heart said the water rights, that is one of them, our Clean Air Act is another. We have enough problems as it is on our Reservation. We don't need to continue on with more problems coming to our people here.

And again I do support Thelma and her family back there, the lady, the advocate against this mill tailings way back then, for a number of years we was honored with a plaque for that, a service that he had done, the care that he had took, for his people here in White Mesa, I acknowledge that today here.

There has been some bloodshed, yes, like Thelma who was an advocate against something like this. We don't need no more of that. And, you know, I see things, you know, that transporting tailings, it is not going to work, either way it is not going to work and the people and the County Commissioners back there has made comments about this, too. What we are seeing here today, comments about our sacred ground, yes, that is true, our vegetation, is no longer there, the things that we use for native purposes is no longer there.

I mean I could go on all day here, but I think I made my point, and I would like to say thank you.

MR. METZLER: Thank you.

Document #75 Lehi, Malcom White Mesa Ute Administration

MS. RYAN: Mr. Lehi.

MR. LEHI: Good morning, I am Malcom Lehi, L-e-h-i.

My concern is sitting back here listening to what is going on here, I have lived here a long time, and I have seen Thelma's family going after the mill about this trying to shut it down for so many years and always wondering what they were doing that for. But now I know what the reason is, because I used to go out there hunting and stuff and a lot of times I seen animals out there that were about the color they should not be, and I wondered why a lot of the times over the years when we would be back there for whatever, or for water, and there is not very much water around here, and the drought and stuff, and I always wondered why this would be. Hunters told me that he had seen the deer that he wanted to go shoot, and he told me, hey, let's wait on it, it will come our way, but it never came our way. But a day later we seen the same buck and somebody had shot it, and he told me, there is that buck you wanted, you want him now? I said no, and we looked at him and he had, the color of his skin was different, he wasn't normal, and I told him, I says, well, he was over there at that pond, and I don't know if the people that run the mill that was there realized what they are doing to the animals here, and it kind of made me feel

bad, because, you know, we as native Americans, we used the animals in the sacred way, you know, to live, and feed our families and stuff. To make that deer go to waste like that, I don't think that was right, and somebody has to step up and say something about it and see that. I don't know if the community of Blanding knows about this, that you were just saying are having a meeting, I hope they come out and have their say, and put out this mill and shut it down, because we do really have to shut this mill down, because of all the things that are going on around here in just San Juan County. And I am pretty sure, you know, for me, if I had the power to say things, you know, I would shut that thing down, because I don't think that is a place for the mill to be. I think it is better off where there is nobody or no life flow or anything like that.

You know, we have our, like, our councilmen and our people that were talking and saying it is the future we look at, not the past.

That is all I have got to say. I appreciate this.

MR. METZLER: Thank you.

Document #76 Morgan, Manuel San Juan County Commission

MS. RYAN: Manuel Morgan.

MR. MORGAN: Good afternoon, my name is Manuel Morgan, I am a San Juan County Commissioner. This is kind of a difficult position for me to be in, but I just want to say that the Tribe have spoken, the Ute Tribe has spoken and the people have spoken for this community.

I think people and communities have different priorities, as we represent San Juan County we have different priorities. And we try to, as elected officials, we look at what is good, or what is best, or what is economically best or economical for the community.

San Juan County's position is to support the slurry. With that position I have stated, I only support this if the DOE comes to this community and educates the dangers, the impacts, that the community is going to experience, and I don't think to this date that we have had that lesson, whether this is good or bad for this community.

I talked to a gentleman the other day, and he told me, he says, you tell me one particle of uranium in the air, and for me to breathe that in, has that radiation in there, is that safe for me. I says, I don't think it is safe, because if it has got radiation you will breathe it in. And from there you have the impact. And that, you know, I get comments that says, well, the sun rays have more radiation than that particle of uranium, okay. If that is the case, if we are introducing another particle that has radioactivity, how is that going to impact this community, because you are adding another element of which we are already exposed to, and together the impact of those is what we don't understand. And so the community and the people that I represent have spoken and said that they are against this, and that is where I stand, is with my people. In this county there is 60 percent native Americans, and the DOE or this impact study basically addresses White Mesa community, and it is stated there are 300 people. The town of Blanding has how many people, San Juan County has how many people, and the impact of that is minimal because there is 300 people, that is not the case. Like I said, there is over 7,000 native Americans in this

county, and they say no to bringing the tailings down here, and that is where I am going to have to stand on this issue, and I will also stand on this and present that to the county in that way, if you are wondering where my position is.

I am not going to bash anyone, the DOE for doing what they are going.

I am not going to bash IUC for what they are doing, I understand what their job is and what they are up to, and what they provide communities. But when there is an unknown impact of something that we will -- what we don't know until in the future, then we need to support one another and stand together and say if you can't provide those answers to us, then we don't want it.

Thank you.

MR. METZLER: Thank you, Commissioner Morgan.

MS. RYAN: Is there anyone who did not sign the list who would like to comment at this time?

Document #77 Goodman, Margaret Individual

MS. GOODMAN: My name is Margaret Goodman, M-a-r-g-a-r-e-t, G-o-o-d-m-a-n.

I just wanted to put in some comments to say, you know, Mr. Morgan was right, we have a little bit more different priority than probably you gentlemen here. As native Americans, we cherish animals, even the weeds that grow around here and things like that, that is a priority for us in our everyday lives. And the uranium mill, it seems like to me, as I have heard, you know, like the gentleman over there said, there is deer, rabbits, and for unknown reasons their meat is a different color, breeding and what-not. And the deer go to the water hole over there, and as uranium is being packed or however the process goes, you don't know how much dust is coming off of that thing in the air, even a slight breeze how many people are going to inhale that dust, you know. And like he said, how many people came down to teach all these people, Tribal members here about this mill site. I don't see an interpreter here today, you know. If you want to step on the grounds of reaching everybody in the community I think that, you know, that is not right, there should be an interpreter, there should be somebody here that can get in contact with the Tribal members and actually see who is going to understand and who is going to know, see what you guys are trying to do. But the fact of the matter is, Native Americans do cherish the earth, the ground, the flowers, the weeds, whether it is a good weed or bad weed, some of it is medicine for people, who are ill, you know.

So I think that, you know, there has to be a lot of thought put into this and a lot of avenues to take to talk to the community members here, basically for their health. And basically for all the animals that we cherish. For some of them, it is their everyday meal, you know, that is the meal on their table for them.

That is it.

MR. METZLER: Thank you, Margaret.

MS. RYAN: Is there anyone else who would like to comment at this time, who has not commented yet?

MR. METZLER: All right. Well, I think that ends it.

(Public hearing concluded at 12:45 o'clock p.m.).

REPORTER'S CERTIFICATE

I, Joseph J. Rusk, do hereby certify that the foregoing is a true transcript of the testimony given and the proceedings had.

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The Draft Environmental Impact Statement (DEIS) Public Hearing held at the City Hall Meeting Room, 240 East Main Street, Green River, Utah, on the 25th day of January, 2005, at 6:00 o'clock p.m., before Joseph J. Rusk, Registered Professional Reporter and Notary Public at Large.

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Document #78 Weisheit, John Living Rivers

MR. WEISHEIT: John, J-o-h-n, Weisheit, W-e-i-s-h-e-i-t, and I represent four groups, so I will explain them carefully. The Sierra Club, through the Nuclear Committee, which is comprised of myself, Sarah Fields, Bill Love, William Love, and Ken Sleight, S-l-e-i-g-h-t, we provided comments to the Sierra Club for scoping.

I also represent the Colorado Plateau River Guides, which is a trade association of river guides, these are the river guides that run Cataract Canyon downstream of the tailings pile.

I also represent Colorado Riverkeeper, Riverkeeper is one word, and it is part of an alliance of 120 international groups and national groups, that work under the auspices of a Waterkeeper, one word, Alliance, based in New York.

And I also am the Conservation Director of Living Rivers, based in Moab, Utah. I won't speak for the Sierra Club, because we will write more detailed comments, but I would like to speak for the river groups at this time, the three.

These three groups of which I represent, I am by the way the secretary of -- secretary-treasurer. The three river groups would like the tailings pile removed. As to whether it is Klondike or Crescent, we believe that those would be the best places to put it. However, we feel Crescent would be better, because the Mancos shale is thicker. The watershed is not as big, you know, it is next, very close to the Bookcliffs, which is kind of a watershed divide.

But we do have one concern about Crescent Junction, and that is there is a person that lives there, even the gas station has since closed and the cafe has since closed, but we are concerned about

that person's -- I was hoping that person would be here, but they are not. But we would appreciate it if this person is contacted to see how they feel about this particular placement, and as far as their safety and so on.

We are very opposed to having the site taken to San Juan, mostly on -- for moral reasons. We feel that this is Grand County's problem, and we think it should stay in Grand County. We really don't want to spread our waste to other places to be dealt with. And as far as environmental justice reasons, we sympathize with the White Mesa Indian Tribe, we do not want to bring our pollution to affect their groundwater, so we are not at all in favor of imposing the environmental justice and socioeconomics on the native American groups and whatnot.

Number two, the reason why we feel it should be moved is because we feel that there is enough reason to show doubt that this pile, if kept in place, would remain in place for 200 to 1,000 years. We, as river people, we understand the dynamics of rivers and we are well versed in what the U.S.G.S. and other scientific groups have had to report on the hydrology of the Colorado River, and we believe based mostly on two major floods in the 19th century that happened in the 1800's, 1860's and 1880's, as well as the flows of 1917, 1983 and '84, that we feel that the place would be compromised and that this radioactive material associated with, and with all the other associated chemicals, would go into Canyonlands National Park, radiate all the beaches, and would essentially stop our business, as far as river guides and river, private river runners that are using Canyonlands National Park. We feel it would shut the park down, and we feel that would be bad for us as workers on the river, it would be bad for our city, which depends on tourism, and also of course it would be bad for -- that kind of mobilization of radioactive material, it would be Nevada's water supply, and California's water supply and Arizona's water supply.

So we want to be good neighbors, we don't want to spread our waste around on the Colorado River system.

We are also concerned about the endangered fish because the Colorado River has the highest rate of possible extinction of native fish, and so we are very concerned about the quality of the native fish, and we feel that anything that we can possibly do to minimize their extinction, and this is definitely one of the things that we are concerned with.

Now, there was one more thing. I will let other people speak, and I think there is one more thing, but I will be happy to acquiesce to the next person.

Document #79 Fields, Sarah Sierra Club

MS. FIELDS: My name is Sarah, S-a-r-a-h, Fields, F-i-e-l-d-s, and I represent the Glen Canyon Group of the Utah Chapter of the Sierra Club, and we are located down in Moab. One thing that I think the DOE has to do is really go back over the Uranium Mill Tailings Radiation Control Act and the legislative history of that Act, and think about what the intent of congress was when they passed that Act. And I have a few quotes here. And this is from the legislative history. "The Legislation will require every responsible effort to be made by the Federal Government to provide for the disposal, stabilization and control in a safe and environmentally sound manner of such tailings to prevent or minimize the diffusion of radon" or the entry of other hazardous things into the environment. It also said that the public is to have a strong role in the selection of any remedy to procedures provided by the National Environmental Policy Act. It is expected that

the Secretary, that is the Secretary of Energy, will give full consideration to the wishes of the public, as expressed through those processes. That is the wishes of the public. In some cases where the department will remedy inactive tailings hazards, tailings will be removed from the original processing site, and disposed of at more suitable locations.

It is intended that the DOE not rush headlong into using technology that may be effective in the short period of time. The committee does not want to visit this problem again, with additional aid. The remedial action must be done right the first time. And in the Act itself, it says “Congressional Findings and Purposes. Protection of the public health, safety and welfare and the regulation of interstate commerce require that every reasonable effort be made to provide for the stabilization, disposal and control in a safe and environmentally sound manner of such tailings in order to prevent or minimize radon diffusion into the environment and to prevent or minimize other environmental hazards from such tailings.” And in response to this, the Department of Energy moved at least 10 uranium tailings sites from inactive mills off the floodplains of nearby rivers.

So I think that under these circumstances where you have even a greater risk of contamination going into the river, where you have even greater risk because of all these unknowns that were listed up here on the board, of the risk of flooding, the questions regarding how much contamination is still in the tailings impoundment, how much that contamination will continue to go into the groundwater, even after the current groundwater remediation is over, even if it takes 100 years. So we have all these questions.

So I think it behooves the DOE to move the tailings pile off the river in order to comply with the Act.

MS. RYAN: Is there anyone else who would like to comment who didn't comment?

Document #80 Weisheit, John Living Rivers

John, do you have something else?

MR. WEISHEIT: Yes, there is another example of what I wanted, I was concerned about, because the Bureau of Reclamation did a study that I would like to bring to your attention about the probable maximum rainstorm that could happen on the Colorado River system and at Hoover Dam as the site for the full amount of water that could come through, and it was 700,000 cubic feet per second. Now, of course that includes the San Juan and Colorado and Green Rivers but, you know, it just goes to show the dynamic ability of the Colorado River, and I just find in general, and I will detail these in my comments, but I really don't think the DOE has a credible document to otherwise prove reasonable concerns that this tailings pile will not lift and float downstream in a catastrophic event. We are already overdue for a 100-year flood, and so, you know, it seems like we are ready for a situation there that needs to be looked at with much more credibility.

Thank you.

Document #81 Fields, Sarah Sierra Club

MS. RYAN: Sarah, do you have additional comments?

MS. FIELDS: Yes, I intend to make extensive written comments, so I will just touch on some of the, some comments, other comments I have.

One thing as far as the alternative, I would agree that the best alternative would be to move the tailings to Crescent Junction. The only other possible alternative would be Klondike Flats. I think it is out of the question to send the tailings down to White Mesa, because of the nearness to the White Mesa Ute community, because of the impact on the cultural sites at White Mesa where some very beautiful archaeological sites, which are now hidden, because most of -- they are under the ground, but those sites will be destroyed.

Some of the differences between Crescent Junction and Klondike Flats are the fact that the Klondike Flats site is right next to an airport, it is also next to a county disposal site, and another thing, it is in an area that is frequented by a lot of visitors, there are a lot of people who ride bicycles, they ride ATVs, they ride motorcycles, dirt bikes in that whole area. And that means going to another area, which will be, will be impacted, and I think that site has a greater chance to be impacted by human activity, and the site would also impact the workers and visitors in that area.

Also I think that the tailings should be moved by rail, considering the amount of tailings, the rail haul option, not truck haul. The truck haul option would mean almost 100 percent increase in traffic on the road, either between Klondike Flats or Moab and Crescent Junction. That means impact to the tourist industry, and that means degradation of that highway, when you have those huge trucks. And I think the other thing, that UDOT expressed their concerns to the DOE about what would happen to that roadway if it were used to haul those tailings up the road.

Also I think that the DOE should consider why we are here, why did this all happen, why did it happen. The DOE ended up with the responsibility for this site, and the reason was because another federal agency failed to regulate the site. The Nuclear Regulatory Commission did not make sure that there was in the past an adequate groundwater remediation. It wasn't until the Oak Ridge National Laboratory came along and did a lot of diagnostics that they discovered there was a huge flume of uranium that was coming from the old mill site itself because the NRC never required Atlas to put in monitoring wells between the site itself and the river, all the monitoring wells were around in town. So that is another failure.

The NRC failed to get the amount of surety that was needed to reclaim this site. Atlas was supposed to pay for all of this, not all of us in this room through our taxes, now it is the members of the public. Now that the members of the public are paying for it, I think we should have a little more say-so than what the NRC has to say about it. And I think it is the general consensus of the members of the public that that tailings pile should be moved. Four western governors say it should be moved. Our congressional representatives all say it should be moved. Grand County Council says it should be moved? The State of Utah says it should be moved. Who says it shouldn't be moved. The only person that is going to say it shouldn't be moved is the DOE, and the decision-makers in Washington. Wait a minute, we hired them to take care of this. Our state

representatives, DOE, you take care of it. So I think that the DOE should take care of it in the way that the community wants it to be taken care of. That is what congress said.

Thank you.

MS. RYAN: We encourage you to send your full written comments.

MS. FIELDS: Oh, it will take me a while.

MS. RYAN: Thank you very much for coming, and again, anyone who comments either tonight or anywhere through the comment period will be on the list to receive the final Environmental Impact Statement, so we encourage you to give us your address and so forth on the attendance register.

Thank you.

(Public hearing concluded at 6:42 o'clock p.m.).

REPORTER'S CERTIFICATE

I, Joseph J. Rusk, do hereby certify that the foregoing is a true transcript of the testimony given and the proceedings had.

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The Draft Environmental Impact Statement (DEIS) Public Hearing held at the Aarchway Inn, 1551 N. Highway 191, Moab, Utah, on the 26th day of January, 2005, at 6:00 o'clock p.m., before Joseph J. Rusk, Registered Professional Reporter and Notary Public at Large.

* * *

Document #82 Tanner, Rex Grand County Council

MR. TANNER: Where is the appropriate place to stand. Rex, R-e-x, Tanner, T-a-n-n-e-r.

Well, first I would like to thank Don and Joel and the staff and the DOE for going through this tedious process, but a very much-needed process, and I just want to say thank you for the hard work that I know all of you have put into this, and thank you for taking the time to go through these public hearing processes, it is an important study.

My name is Rex Tanner, and I am the co-chair of the Grand County Council, and I am also the co-chair of the Stakeholders group, a group that has been involved with the process alongside the DOE for several years now, and I was asked by the Grand County Council to come and make an official comment, in addition to the written comments that we will be sending.

But our position is that Grand County Council, representing Grand County and all the citizens here, and I think you can see the room is a lot more packed than what Green River was. I understand there were two people in Green River, I think, but our position is that the only acceptable thing to do here is move it, and cost is not something that we think should be considered, we are in favor of seeing it go to the Klondike area. We have got mixed feelings whether it be slurry or rail. I think those are the two preferred methods over the trucking, though we do recognize the trucking would be a component to either one of those alternatives. For us, I think the big thing is as you listed earlier was the areas of uncertainty. And the fact that you made mention that you wanted to design something if it was to be capped in place or even if it

was removed to another location, a facility that would last forever, and we know that that is probably not feasible.

But even to meet the requirements of the 200- to 1,000-year range, I think that at its current location, when you look at that last picture that you showed, and you can see the deep river gorge that was cut in the Colorado Plateau, it is very evident that that is one powerful force, that river, what we call the Colorado River. If you look at pictures, the aerial views, you can see that there is vegetation growth right almost up to the edge of the one, I believe the south side of the pile, and I think that also follows the line of the high water mark in 1983, which I believe was 66,000 cubic feet per second flowing down that river. And that really basically was the edge of the pile. And the fact that we have heard several studies come about and brought to light in the last six months or so on this subject, there is some conflicting information from potentially some of the information that is presented in the EIS, and I think that what that indicates to me and to the Grand County Council, is that we are not sure, we are not sure that it would be safe there, we are not -- that level of uncertainty exists, and that in itself is why it needs to be moved.

And I won't take much more time other than to say upriver, we have I believe there are two reservoirs that are connected to this system, and I think that that has to be considered as an additional factor with the loads that are carried in those reservoirs for potential disasters. And I think we all have seen in the last month or two the power of water, what it can do, from the tsunami situation in Indochina, to the floods in California, also even in the St. George area with some of the problems we had over there. So I think you can't, you can't underestimate the power of water, and I don't think that we can say with any predictability that that facility would be safe for a long period of time based on the location. And from that standpoint, our comments and letters will reflect those views.

One last point, I would encourage everybody here to not just stop at this juncture in terms of your comments. I would really like to see you make as much of an effort to contact everybody that is involved with this project, the elected officials, and not just in the State of Utah, but people in California, Nevada and Arizona, they all have a vested interest here.

And last but not least, this isn't just about Grand County and the 9,000 residents in Grand County, it is about the four or five, 10 million people that are downriver of this project, that if you made a miscalculation, and it did break loose with a high-water event, what would be the long-term effects for the Southwestern United States, and the millions of people involved?

Thank you. With that I will turn it over to Mayor Dave.

Document #83 Sakrison, Dave City of Moab, Mayor

MR. SAKRISON: Well said, Rex. I am not as good as Rex, I have got notes.

First of all, I would like to say good evening, and Don, on behalf of the city of Moab welcome, and thank you very much for allowing this group of people, and there is, I am sure there are more out there that would like to comment also, giving them this opportunity to express their views.

This process has been going on for a long time, as we all know, and I am glad we may be seeing the light at the end of the tunnel, hopefully. I promise to keep my remarks brief in order that we

may hear from everybody and their concerns. I would like to begin by saying that the city of Moab is in the process of drafting a formal reply, and it will be sent prior to the deadline on February 18th. I would, however, like to voice some of the governing body's general positions and concerns.

The city of Moab would like to join in with the State of Utah, California, New Mexico, Arizona, Nevada, Grand County and San Juan County, our congressional delegation, and I am sure I have left out some other organizations or groups, and I apologize for that, but we would like to join with them in asking that the Atlas tailings pile be moved. It is the city's position that there are too many uncertainties, and an inherent amount of risk involved by leaving the tailings in place.

There are concerns and questions as to the potential for contamination of the Moab aquifer.

There are questions and concerns as to what a catastrophic flood event might do to the integrity of the tailings if left in place.

There are also socioeconomic impacts that we feel have not been adequately addressed. For example, the visual impact as presented in the document on pages 433 and 434, which do not meet BLM regulations. We feel that there would be a positive economic impact on moving the pile. I said positive economic impact on moving the pile, especially in the visitors' impression on our area.

And then there is the potential economic impact, if there were to be a catastrophic event, not only in the mitigation of the event, but in the perception to the rest of the world.

These are just a few of our concerns, and as a city, that the city has about leaving the tailings in place.

As to moving the tailings the city's preferred alternative would be the Klondike site. We feel this would be the best alternative, and would mitigate any hauling of any waste and debris through the city of Moab, which we would strongly object to.

In closing, we have been looking at this remediation process for a long time, and the only thing that has happened is that the costs have gone up. We need to move it now.

It would be a shame if we capped this in place and found out at a later date that it had to be moved for some reason. What would the cost be then?

Virtually every mill site along any waterway in this country has been moved and remediated. I believe it is in the best interest of not only the citizens of this community, but those living downstream to move these tailings. It is the right thing to do.

And having said that, thank you.

MR. METZLER: Thank you, sir, that was very clear, and I am sure you stayed way within that 5 minute time frame.

Document #84 Russell, Steve Individual

MS. RYAN: Steve Russell.

MR. RUSSELL: Thank you for coming. Five minutes is an eternity to stand up and talk, and I don't think that I will take that long, but thank you for giving us this opportunity. Steve Russell, you know me, Joe.

And I am here on behalf I think of all of you folks out there, I hope. What I would like to talk about are three issues that I think are relevant to this issue, responsibility, priorities, and common sense.

The pile is there because during the cold war our government asked people to go out and search the Four Corners area for uranium for purposes of the cold war, and that was done. A huge frenzy of mining took place and never mind the Cold War aspect of it, what we are left with right now is this pile of tailings on the banks of the Colorado River.

I think that our government has a responsibility now to do the most expeditious, sensible thing in order to remediate what was left there, for their benefit. No one I don't think is going to argue that the pile contains a lot of bad potentially dangerous stuff. And it is on the banks of what really is the heart, the beating heart of the entire Southwest of the United States, the Colorado River. The entire Southwestern United States depends on that river for drinking water, for agricultural water, for life, Phoenix wouldn't exist without it, Las Vegas wouldn't exist without it, we can argue that Los Angeles wouldn't exist without it. The Imperial Valley would not exist without it.

So what should be done with it? We should move it off the river. The cost now, and I will be corrected if I am wrong, is in the neighborhood of 500 million dollars, that is a big number, but not to the U.S. Government.

We are currently engaged in an action in the Mideast, in Iraq we spent 120 billion dollars there. George Bush has just asked for another 80 billion dollars for that effort. Why are we there? We thought, some people thought that there were weapons of mass destruction that posed a dire threat to the United States and to the world. And so we have gone and we have done what we have done, and we found out that we were wrong, dead wrong. And there is still another 80 billion dollars on the table.

One mile north of here is a clear and present danger to the health and safety of the citizens of this county, and the entire Southwestern United States. It is there, there is no question about it. You can send the inspectors in there and they are going to see it. They are going to know that it is there. And 500 million dollars, although that is a big number, is one-half of one percent of what is being asked for in addition to the 120 to 150 billion that has already gone, and that is in relative terms a drop in the bucket, and I think that our government could find it somewhere.

Now, this is not DOE's fault, it is nobody's fault, but it is there. And so that is the priorities part of it. Okay. If we can do what we are doing, and spend all of the money to do what we are doing,

I don't care how you feel about it, but if we can do that, I think that we can find 500 million dollars to eliminate this clear and present danger to the Southwest of our nation. That was the whole deal about going over in to Iraq, was to protect ourselves. Okay, we are protecting ourselves here for pennies on the dollar. So that is the priorities part, and now the common sense part.

It is there. It would be the height of hubris for us to sit here and say that for all time and eternity, let alone 200 to 1,000 years, that nothing bad is going to happen on this major, giant river that is fed by the entire Rocky Mountains of the west, the Wasatch, the Uintas, it is impossible, it would be impossible to say that nothing bad could happen to it. And so the only reasonable thing to do is to move it. Klondike I think is the way to go, rail. I don't know, I frankly don't know anything about the Crescent Junction site, but it is farther off and so Klondike I think is safe and secure, so I think that would probably be better. I don't think White Mesa is a good idea, and I especially don't think that slurring it to White Mesa is a good idea. Think of all the water, that is a lot of water. Then what are you going to do with it after it has gone down there, put it in the San Juan River? And trucking it down there isn't the way either.

My time is up.

MR. METZLER: Again there is probably a lot of people that want to talk, so we ask you to try to make the main points, and I again don't want to rush you, but five minutes, and that would just show courtesy to all your fellow compatriots that are here.

Document #85 Bodner, David Individual

MR. BODNER: B-o-d-n-e-r, first name David.

Thank you for the opportunity to once again comment on the need to remove the mill tailings located on the banks of the Colorado River. I am a resident and business owner in Moab. I am a licensed river guide on the Colorado River both above and below reservoir Powell.

When the National Academy of Science was here I requested that a study of the sand bars on the Colorado below the pile be made due to the number of people who raft the Colorado every year. The sand bars are eroded and rebuilt every spring by the high water that passes by. People camp, eat, play and sleep on the bars. Dishes are washed using river water. Some people still use the river water to make coffee.

What are the potential impacts to this 6 or 7,000 people who recreate on the river? What are the potential impacts to the river guides who spend weeks every summer working on the river? What are the potential dangers to the people who play, camp, swim, water-ski and fish on reservoir Powell? What are the dangers to the millions of people downstream who drink the water or irrigate with it?

I would like to give an example of the problem that exists in attempting to mitigate the danger by leaving the piles in place.

From 1976 to 1983, that is seven years, McDougal Oil delivered four super tankers of sulfuric acid per day to Atlas Minerals. Based on a 300-day year and 50 tons of acid per truck, that comes

out to 60,000 tons per year, 420,000 tons over the seven-year period. The person that gave me this information told me this was a conservative estimate, that they probably operated more than 300 days a year. No acid was hauled away to be recycled, not one drop.

When Atlas was finished with the acid it went into the pile. The same thing happened to the caustic soda and every other chemical that was delivered to Atlas.

There is no option other than moving this mess away from the river. If the pile could be riffraffed so it could not be swept away by a flood flow from the river, that would still not prevent the groundwater from entering and dissolving or leaching contaminants back into the river when the water subsides. There is evidence of flood flows in excess of 100,000 cubic feet per second, and more, have come down the river corridor, and contrary to your report, the main force of these flows will go toward the pile, and start eating it away from the southwest corner. That corner is where the parts of the buildings that were too contaminated to be recycled are buried.

Please make the right decision and move it away from the river.

Thank you.

MR. METZLER: Thank you, David.

Document #86 Seal, Franklin Individual

MS. RYAN: Franklin Seal.

MR. SEAL: Thank you for the opportunity to comment. Franklin Seal, S-e-a-l.

I have lived in Moab 12 and a half years now, and for four years I worked at the local paper here, and so I had an opportunity to cover this story in detail more times than I care to remember. And I don't know that I can really add a lot of substantive comments beyond what has already been made, but I would like to say just observing the fact that this draft EIS came out without a preferred alternative was quite interesting, and I think that despite the preponderance of science that points to this being a clear risk, that the draft EIS seems to be leaning and setting the stage for a decision which perhaps has already been made in headquarters, to leave the pile in place, and I think that ultimately this kind of a situation is decided based on politics, but that is the reality that this community and all the communities downstream of this pile face. And that is no fault of yours (indicating), that is just the way the system is. And I think that we need to work very hard over the next month and a half until this decision is announced finally, to see if we can't change some minds in D.C. I think science is a great thing, but having watched the current administration over the last four years, I don't think that they give a whole lot of credibility to science, and I don't think they really care that much about science.

I don't think it is a question of money, I think it is a question of who is on our side and who is speaking out.

As to what I personally think, we definitely should move the pile. We have got a rail line there, why build another road, if you have already got one there that is already designed to hold lots of

heavy traffic, and it goes right to the Klondike site, which is already being used as a disposal site, so let's put it there.

And thank you for your time.

MR. METZLER: Franklin, thank you.

Document #87 Bliss, Eleanor Grand Canyon Trust

MS. RYAN: Eleanor Bliss.

MS. BLISS: Thank you for being here.

My last name is B-l-i-s-s, first name is Eleanor.

The citizens of Moab have been actively trying to get the Atlas tailings moved for more than 12 years. We were assured by Bill Richardson in November '99 that the tailings would be moved. There was gratitude by the community that we finally had been heard. That day we felt it was possible for the government to do the right thing, for Moab, for the millions of people downstream from the pile and to the future. It was celebratory.

Here we stand five years since, rehashing and talking about whether we should move the pile. The Floyd Spence Act clearly stated to transfer the ownership of the pile from the NRC to the DOE, that the pile would be moved. That wasn't something on the table. That statement has somehow quietly been dismissed in this EIS. How can we possibly be studying cleaning up a radioactive pile on line beside the drinking water of 26 million people, even laughingly entertain a notion of covering in place. Please tell me this is a joke.

Currently the groundwater leaking into the river in excess of 100,000 gallons per day is so toxic that minnows die within a minute of being in contact with the water, which is very startling. Ken Solomon of the University of Utah informs us the groundwater is migrating over into the Matheson Wetlands. How long will it take before it shows up in the wells of the residents of Moab?

It is already obviously contaminating fish, birds, and whomever eats those. Dr. John Dohrenwend, I will kill that name, who has been studying the path of the Colorado, was very informative the other night, give thanks to him, studying the Colorado and coming up with an entirely different scenario and conclusion about where the Colorado will be migrating, which is toward the pile and not away, as DEIS states, which in my mind doesn't really matter one way or another. He showed us amazing pictures of flooding in 1917, the 76,000 c.f.s., in which the river obviously was already sweeping through where the Atlas tailings pile stands now. I can't imagine, and in 1884, it was 125,000 c.f.s., amazing, just too boggling to imagine where the water would be on the pile or above the pile. It is not a matter of if, it is a matter of when. We have no idea when that, you know, when the flooding will take place, but I do hope, I hope that we can speedily remove this pile. It is a horror show to think if we actually had a flood year and this thing got away from us before we have had a chance to move it.

I think listening to John I realize for the first time, really, when I saw the pictures, that floods would sweep right in to the Moab valley, it would be circulating all that toxic material here going round and round in circles, because it is an eddy, and that is just the beginning of the horrors, because then it would dry up eventually, and as it dried up it would leave all that toxic stuff to blow as it evaporated all over, and of course sweep downriver. There are 26 million people downstream from us that depend on this water. We have been shown when some of the rocket fuel got into the water, that it is now in all of our, in all of our produce in large amounts, surprising, quick returning back into the shelves of our supermarket. And we are just talking about 200 years, 1,000 years, which doesn't even begin to break down this toxic stuff. We are talking about in 1,000 years it will only break down by 1 percent.

Anyway, it is a no-brainer, it should be moved, it should be moved away from the river. I would hope it gets moved to Klondike.

And thank you very much.

MR. METZLER: Thank you.

Document #88 Hazen, Gary Individual

MS. RYAN: Gary Hazen.

MR. HAZEN: My name is Gary Hazen, H-a-z-e-n.

I am a concerned citizen. I will give my comments as well. Part of the DOE's mission is to ensure the environmental cleanup of the National Nuclear Weapons Complex by providing a responsible resolution for the permanent disposal of the nation's radioactive waste. The DOE capping the Atlas tailings pile in place is not providing a permanent disposal of radioactive waste. 76 percent of Grand County sales tax revenues is from tourism. Lake Powell's recreation revenues exceeds 340 million dollars a year. The probable possibilities of floods, earthquakes, pile failures, major degradation of 25 million Americans' drinking water, devastations of the local economies, lost services, ruined communities and shattered lives are all unacceptable to the American public.

The economic loss of the Atlas pile failure will truly outstrip the cost of a couple moves of the tailings to the alternative plateau Klondike site.

Thank you.

MR. METZLER: That was quick, thank you, sir.

Document #89 Weisheit, John Living Rivers

MS. RYAN: John Weisheit.

MR. WEISHEIT: John Weisheit, I represent Living Rivers as the Conservation Director, and I represent the Colorado Riverkeeper with the Waterkeeper Alliance.

I spoke last night at Green River, so I will truncate my comments, they have already been iterated tonight, but there is one thing I have a request for. The cooperating agencies have neglected the Bureau of Reclamation and because of the dams upstream in the Wayne Aspinall unit and downstream in Lake Powell, are managed by the Bureau of Reclamation. The Bureau of Reclamation has dam site engineers, and they also have hydrologists, and I think that their data would be very useful to this particular EIS. So I would request that there be a dialogue with the Bureau of Reclamation to discuss the potentials of the dams upstream, because the dams upstream, including Lake Powell, are not going to last 200 to 1,000 years. And so the older they get the more potential there is for these dams to fail, and for this waste to end up in Lake Powell. And so it would be probably very beneficial to find out from the Bureau of Reclamation how stable their dams are upstream and so on.

Thank you.

MR. METZLER: John, thank you, thanks for coming both nights.

Document #90 Hancock, Karla Individual

MS. RYAN: Karla Hancock.

MS. HANCOCK: It is Karla with a K, Hancock.

Most of these people know I was the mayor of Moab from '98 to 2002, and while I was mayor I was an active member of the Atlas Stakeholders. I am now just speaking as a private citizen, but I feel equally strongly and probably more so about this issue.

I am very concerned about the leaching of tailings materials into the Colorado River, but I am even more concerned about the possibility of local contamination in the event of a major flood, as well as the present and future effect of the presence of the pile on our groundwater supplies.

I think capping the pile would simply be applying a Band-Aid where major surgery is needed. I urge you to move the pile to a safer location. I too would prefer Klondike and think the use of the rail would be most logical.

And thank you for letting me express my views.

MR. METZLER: Thank you, Karla.

Document #91 Inskip, Eleanor Individual

MS. RYAN: Eleanor Inskip.

MS. INSKIP: My name is Eleanor Inskip, I-n-s-k-i-p. Here is my card.

I always thought that NEPA stood for the Environmental Protection Act. I was really surprised to see that it was the Policy Act when you put it up on the board. So that was kind of an amazing thing. And I was really pleased to see you. I listened to you on the radio when you went to the city and talked about what you are doing with spraying water up in the air last fall, and I thought

that is quite interesting, and it is always fun to see somebody's face after you listen to them for awhile, so it was kind of fun.

I also would like to say, as a private citizen, I would like to say that the pile should be moved. I think the least amount of exposure should be for everyone and everything, should be a high priority, so moving it the shortest distance. And I think that would probably be a way to go, the way to go.

And when you put up the areas of uncertainty, those words up there, I was looking at that, and, you know, I have been, I have been in Moab longer, since 1976, and when we went through the shall we bury nuclear waste in Canyonlands. When you start thinking about the amount of time that is involved, and truly 200 to 1,000 years is nothing, when you are talking -- last night I heard myself say tens of hundreds of millions of years, and I really don't know what, you know, what the time frame is, it is like geologic time and it is kind of -- and I don't even know how you wrap your head around it.

But one of the proposals that was made at that point in time was to have an atomic priests and priestesses, and it does sound kind of funny on the surface, and I actually tried to get some people to dress up in sheets and come tonight dressed as atomic priests and priestesses, but they wouldn't do it.

The whole point of it really though was that it needs to be monitored, and it needs to be monitored ongoing. And I don't think we should be burying it. I know that is not in your alternatives there, but I really think we should be able to ongoingly keep track of what is going on with this. And putting it under the ground so it can be forgotten and we can walk away from it, I don't think that is a very good idea.

I do think it should be moved, it is very dangerous. It has been a long time since anybody drank from the Colorado River if they were paying attention, uranium, et cetera does not settle out, and you can't clean it out with your little filters.

So I would say, and I don't know how you are going to get it there, rail, truck, slurry sounds really sloppy, you know, so I don't know about that, but I would very much ask that it be moved.

Thank you for your time.

MR. METZLER: Thank you.

Document #92 Vaughn, Rita Individual

MS. RYAN: Rita Vaughn is next.

MS. VAUGHN: Rita, R-i-t-a, V-a-u-g-h-n.

I just want to say I want the tailings moved, and Klondike Bluffs, Crescent Junction would be my two best places, by rail. I hate doing this kind of stuff, so there you go.

MR. METZLER: Well, that was so meaningful, it was short, but you made your point.

Document #93 Fitzburgh, Mary Beth Individual

MS. RYAN: Mary Beth Fitzburgh.

MS. FITZBURGH: It is Mary Beth, M-a-r-y, B-e-t-h, F-i-t-z-b-u-r-g-h.

Just very briefly I would like to see the tailings moved to Klondike to Crescent Junction by rail for reasons that have already been expressed.

Thank you.

MR. METZLER: Thank you. Short and to the point.

Document #94 Harrison, Bruce Individual

MS. RYAN: Bruce Harrison.

MR. HARRISON: Bruce Harrison, H-a-r-r-i-s-o-n.

I will try not to repeat things that have been said, there are a lot of great things that have been said.

A couple of things. One thing, I lived in the Black Hills of South Dakota in 1972. It dumped seven inches of rain in three hours, and killed 204 people. So you don't know what Mother Nature can do. I have seen hail softball size at 90 miles an hour in Nebraska. If man is messing with the planet you just don't know to what level things are going to change.

It used to be that the tribes wouldn't make a decision to move the buffalo hunt if it affected seven generations. Now we do things that have much greater consequences than just seven generations, thousands and thousands of years. So we have to look way beyond seven generations.

It seems like, and I don't know if it is just me, but it seems like there is this consciousness near Washington that only cares about the distance of their lifetime, if I am out of here, I don't care. There is no consideration for grandchildren, future generations. It seems like we are on a downhill spiral and everybody seems to think that there is no pulling out of it, what the heck, get what you can and get out.

It is hard for common citizens, working class citizens to keep educated. I want to thank John, Professor John, that helped us so much in learning the facts that it seems like could be slid under the rug to us.

Now, I don't know about you, but I don't get away at home at sweeping things under the rug. But I notice a bulge under the carpet in Washington. It is getting big enough for all of us to see it. We need this to be taken care of. I don't know what you can do to save it. You make a wage, they sent you here, and said, okay, all of these people are going to say this, keep a peaceful time, come back to us and we are going to do this other thing.

I don't know what you can say to change their minds or to let them know how much it means to us to have this right. But I hope you do that. I hope you can't sleep at night if you can't do that. Let's see if I have said everything.

Does the pile belong to you now?

MR. METZLER: It does. Not me personally. I didn't have enough money to buy it. DOE took it.

MR. HARRISON: For the 15 years that I lived here nothing has been done, and I have come to a lot of these meetings. We filled Star Hall one year. The NRC was there, they built us a book that was an inch and a half thick and it cost us 200, \$300,000. Are you using that at all?

MR. METZLER: We try to build off of other information.

MR. HARRISON: That is good. How much will this cost us?

MR. METZLER: It will be more than a million dollars.

MR. HARRISON: And still on a windy day, it is your pile now, on a windy day that dust is blowing through this valley 12 years later. I would like to see you keep it wet on windy days. It belongs to you, I would like you to start taking care of the pile now while this decision is being made.

Forever. That is a long time. You know, they always put costs at the bottom. And oh, of course, then there is cost. But how come I always feel like when it gives to Washington that is at the top.

Thank you.

MR. METZLER: All right. Thank you, Bruce.

Document #95 Carlson, Jim Individual

MS. RYAN: Jim Carlson.

MR. CARLSON: I am one of the lucky people. I moved here in 1999, so I missed most of the talking about this. But it looks like I am going to get in on the tail end.

In the Draft EIS there is a part that talks about river migration and flooding, and the way I interpreted it that the outcome would be unpredictable if this happened with the big flood. That along with my mathematics, looking at some statistics, we are well past the 100-year rain. I think the last 100-year rain was like 130 years ago or something. So it is coming.

The other thing, I just think that the whole thing looks like we are playing a great big game of Russian roulette. We keep rolling the dice, and we keep going and going, and if you look at the different things that have happened just in the last six months in the world, we are running out of time, we are going to have to quit talking and start doing. I agree with most of the comments that have been made about to move it north and to move it now. So anything we can do to get that done, I would appreciate it.

MR. METZLER: Thank you.

Document #96 Campbell, Jack Individual

MS. RYAN: Jack Campbell.

MR. CAMPBELL: My name is Jack C-a-m-p-b-e-l-l.

Just a very brief comment. I am speaking tonight as President of the Castle Valley River Ranchos Property Owner's Association. I realize that is a very impressive title, but the Castle Valley Property Owner's Association actually represents all of the developed properties in the incorporated municipality of Castle Valley, which I believe is actually the second largest municipality in Grand County.

And the very simple comment that I want to make is just to encourage you to move the pile by rail to either Klondike or Crescent Junction.

Thank you.

MR. METZLER: Thank you.

Document #97 Hackley, Pam Individual

MS. RYAN: Pam Hackley.

MS. HACKLEY: Thank you. My name is Pam, P-a-m, H-a-c-k-l-e-y.

I am speaking as a citizen and I echo Jim Carlson, I guess I missed a lot of the history on this.

And so my comments are after reading what I could of the EIS so far is to move the tailings out of the floodplain for all of the reasons that were given prior to my testimony. And it seems like the Klondike Flats location is the most reasonable, although I am not sure that you have done all of the studies necessary to determine that at this point. And I would hope that, assuming that Washington people make the decision to move the tailings away because so many people and so many agencies and states are going in that direction, that you would keep us informed and involve the communities as to exactly how you would do this remediation off-site.

Thank you very much.

MR. METZLER: Thank you, Pam.

Document #98 Lippman, Bob Castle Valley Town Council

MS. RYAN: Bob Lippman.

MR. LIPPMAN: Bob Lippman, L-i-p-p-m-a-n.

My name is Robert Lippman, I am on the Castle Valley Town Council, and formerly represented the Friends of the River, involved in an issue of uranium mining in the Grand Canyon just downstream of us.

I would like to say that tonight Castle Valley in a historic showing of solidarity with the Grand County Council overwhelmingly favors the expeditious moving of the Atlas pile north to a stable, engineered, prepared site, probably by rail, considering that again water is messy, water rights are very precious in the Colorado River, and very contentious, and contaminated water would have to be dealt with in a slurry line.

I would also like to say that what we are hearing today, I think from everybody in the area, is again another chapter in the emperor wears no clothes. This matter should have been remedied decades ago, as we have heard. Every month that we wait or delay increases the costs exponentially of remediation, and studying the matter endlessly will not change the most basic observations and essential conclusions that are to be drawn. The placement of the tailings have permissively violated a myriad of federal pollution control laws, going back to the 19th century, and into the modern era of pollution regulation, along with defined common sense. The impacts are not limited to local effects, as we have heard, but extend regionally and downstream, potentially affecting tens of millions of Colorado River water users, meaning culinary uses, agricultural, and we are looking at the produce, four seasons breadbasket of the United States, and I shouldn't have used the word bread, but produce basket of the U.S., and as we have heard, recreational use.

And there are also implications for international and treaty matters downstream, as well as ecological matters involving everything from sediment and beaches, to the now unproductive delta of the Colorado River.

There is a larger responsibility here, and I think everybody in this room recognizes that. Long-term containment of the tailings is impossible, in the present floodplain of an active hydrological and geological system.

Capping the tailings in place will do nothing to remediate the groundwater and surface flow problem.

The no action alternative will further allow both groundwater and airborne particulate and radon impacts to be exposed to the public.

Slurrying does again raise questions about water both before and after the remediation.

The only rational and justifiable option is again move the tailings to a stable engineered site by rail.

And I would like to add, reject the White Mesa slurry alternative due to transferred impacts upon local native American communities, and sovereign trust lands, and this also raises issues of environmental justice.

In regard to my first comment tonight, I would like to say that I think this issue of remediation of Atlas could really act as a focus to bring our communities together in an unprecedented way, and

start to really look at sustainability and appropriateness of human activity in the Moab region, and work together toward those ends and measure our conduct by those ends.

I would urge local governments to act now to prevent the next uranium rush, which is just around the corner. Three more mines have opened in the Paradox area east of here, and if we prepare now and think and plan about this in a sustainable way we won't be here 20 years from today looking at how to remediate another pile.

Thank you.

MR. METZLER: Thank you, Robert.

Document #99 Angel, Bradley Green Action for Health and Environmental Justice

MS. RYAN: Bradley Angel.

MR. ANGEL: Good evening, my name is Bradley Angel, and I am here tonight as a concerned citizen, and I am also here as director of an organization called Green Action for Health and Environmental Justice.

At Green Action we work throughout Utah, Arizona, Nevada, California, and a lot of western states, helping communities protect themselves from pollution. And that is why I am here tonight, both on behalf of our organization and as an individual.

And in our organization we have members, a lot here in Grand County, in Blanding, in Bluff, and the White Mesa Ute community, among Navajo communities south of here, and also many communities that are both along the Colorado River in Nevada, Arizona, California and in communities of tens of millions of people who rely on Colorado River water.

And for all those reasons, we support all of the folks who have spoken tonight calling for the immediate, prompt and safe removal of the tailings and the toxic waste from the banks of the Colorado River.

But I also want to focus my comments tonight on a related issue that goes to one of these supposedly reasonable alternatives being considered.

You know, somebody already mentioned this, and as we all know our country is at war overseas. Our citizens are dying and killing supposedly to spread democracy and justice. Unfortunately, the Department of Energy in this process has violated the very principles of democracy and justice, and I am going to document how that is.

Number one, when this process started back in terms of the Draft EIS process on December 20, 2002, the DOE put out a Federal Register Notice. Those documents completely omitted the existence of the White Mesa Ute community. The map distributed by DOE at that time completely omitted the existence of the White Mesa Ute community. It had East Carbon, Crescent Junction, Moab, Blanding, but funny how White Mesa just wasn't there.

On January 22nd and 23rd the DOE had scoping meetings, I attended three of those, I believe, and still on the big map on the wall White Mesa did not exist, according to the reality presented by the Department of Energy. And they got an earful about that from Tribal members and other members of the public.

On September 14, 2003, here in Moab, and not on the Ute Reservation, but here in Moab the DOE held what they called the Tribal consultation, and myself and several other other Moab residents joined Tribal members from the White Mesa Ute community, and the Ute Mountain Ute Tribe, and other Ute Tribes at that meeting. And it was an incredible meeting, and the Tribal governments themselves, along with the Tribal members, made it totally clear that the law requires not just consultation, but meaningful consultation. That sacred sites that are present at White Mesa and are abundant there need by law, and by right, to be protected. And they demanded that White Mesa be excluded just as the DOE had just properly excluded East Carbon and Green River. I am really glad that East Carbon was excluded as a site. Those people get dumped on already too much.

I am glad Green River was excluded, it was totally an inappropriate site. It is outrageous that White Mesa is still under consideration. It is actually closer than those other communities, and it has other very profound cultural, religious, traditional and sacred site issues.

And then on November 30, 2004, the draft EIS was released and again the Department of Energy claims that they have to look at all reasonable alternatives. And I am here to ask what is reasonable about a proposal from International Uranium Corporation to take the radioactive and toxic waste from Moab, use incredible amounts of water in a slurry line, an 85-mile line, and dump the waste on top of the sacred sites and burials of the ancestors of the Ute people.

Tomorrow the DOE will be formally presented by White Mesa Ute community members with a formal complaint documenting how you are violating the Executive Order on Environmental Justice, the Federal Sacred Site Protection requirements, Tribal consultation requirements, and federal statutes on the protection and preservation of traditional religions in Native Americans. Don't wait for the EIS to drop White Mesa, start doing the right thing so we can all work together on the true solutions that will protect everybody.

Thank you.

MR. METZLER: Brad, thank you.

Document #100 Hedden, Bill Grand Canyon Trust

MS. RYAN: Bill Hedden.

MR. HEDDEN: It is Bill Hedden, H-e-d-d-e-n.

I am here tonight as a local citizen and also as Executive Director of the Grand Canyon Trust. We are also preparing comments on behalf of more than 150 conservation organizations around the United States.

I hope the DOE appreciates -- we are very glad that you are here, by the way, and I hope you appreciate what an exercise in democracy this is for us, because we were doing this now for 12 years, and we still got the pile sitting there, and we just saw comments go from the governors of Utah and New Mexico and Arizona, and Nevada and California all telling DOE that any solution that leaves the tailings by the river is completely unacceptable. So for us to be here and feel that our voices make a difference is truly an expression of hope and faith in America, so I hope you take it very seriously, and I know that you do.

I think when everyone is in agreement, like we have been so far tonight, it is very easy to forget that there is actually a document that is sitting there that is what we are talking about, and it is a document that is going to Washington, and it is only what is in there that is going to matter, and there are two really big fundamental problems with that document as far as I am concerned.

One is the failure to really understand what the time, what 1,000 years is, and what kind of changes are likely to happen in this society, and in the Southwest over 1,000 years.

And the other which is kind of interrelated with that is a real misjudgment of the Colorado River, both how important it is to society, how important it is going to become during the next 1,000 years, and how violent and unpredictable it is. And these things kind of all connect with one another.

If you imagine the ancestral native American people who lived here 1,000 years ago, and try to see how they would picture the Southwest, whether the people who did the Moab panel out there would envision Moab and the way we use the land around here today, with the Hohokam people in Phoenix, if they might have understood what the Central Arizona project was and what Phoenix has become, or Southern California, you can get the beginnings of an idea what a 1,000 years means.

100 years ago the Colorado flowed free into the Gulf of California, and today we have spent more money per gallon diverting and using that for human use than any other big river in the world, and not a drop of it gets to the ocean anymore. Every bit of it is used by human beings for our drinking water or for our agriculture for some of the most highly valued food crops in this county.

1,000 years from now people may reverently be taking water out of that river with a thimble, and yet in the EIS we read that it is okay that the contaminants are in the groundwater because it is salty and so it is a limited use aquifer, and really there is no need to clean it up, but DOE will agree to do some active cleanup because it is going into the Colorado, we need to make sure that some local fish right next to the pile don't get poisoned.

Well, we are talking about 1,000 years. What is the community of Moab going to look like 1,000 years from now, how much of our drinking water will be withdrawn from the Colorado right here? Because we are already seeing the limits of the groundwater that is available to this community. What will be the uses downstream? If you haven't been reading the newspaper they are starting to fight over the Colorado big time as Lake Powell disappears, and we need to look at a term that is not in any way addressed in the EIS, and this is a dramatic failure of this document.

The other place where the failure really becomes apparent is the failure to consider what big floods in the Colorado look like.

If you look at the site from the air, you will see that no matter what happens with subsidence in the Moab Valley, the pile will always be directly in the path of the river coming out of the canyon, and if you have seen photographs of the floods in 1917, see what that looked like, and then realize that in 1884 the flood was 60 percent higher than that, you will know the reason, that the tailings pile is sitting in the middle of an alluvial fan. The Colorado blows through that place, it scours the ground down, and results in a very, very real prospect that the Colorado River will destroy the tailings pile during the course of the regulatory time frame.

And here is where we reach one of the most surrealistic parts of the EIS where the DOE describes a scenario which the pile is going down the river, and it is spread for 100 miles throughout the riparian zone up in the bushes and in the river channels and all through Lake Powell, and concludes there is no risk to human beings. This is the kind of thing that is all over the EIS, and it needs to be corrected in the EIS so you will be adequately finding the preferred alternative, which is to move it to Klondike.

Thank you.

MR. METZLER: Thank you, Bill.

MS. RYAN: Mary VonCoche.

MS. VONCOCHE: I don't have a comment.

Document #101 Oblak, Denise Utah Guides and Outfitters Association

MS. RYAN: Denise Oblak.

MS. OBLAK: Denise Oblak, O-b-l-a-k, D-e-n-i-s-e.

I am here speaking as an individual citizen, a business owner here in Moab, and also as president of the Utah Guides and Outfitters Association to support the moving of the tailings pile, preferably to the Klondike Bluffs area. I agree it is the closest, the least risk I think is involved in transporting it there.

I think one thing that hasn't been mentioned tonight, I won't go over all the other very good comments, is the possibility of the earthquake fault becoming active, and if that pile were capped in place, I realize that it is a remote possibility, but then, you know, big flows happen on the Colorado, what if you had an earthquake event, which actually did happen here in the late '80s, that could be felt in houses here in Moab. So if you have got a cap on that pile, that cap is compromised, what if you had a flood at the same time, all that money that is spent capping it in place, is for naught.

And I know there have been other situations down in Monticello where you have moved a pile once, and then had to move a pile again, and just spend the money, do it right, move it now.

Thank you.

MR. METZLER: Thank you, Denise.

Document #102 Wait, Jeannine Individual

MS. RYAN: Jeannine Wait.

MS. WAIT: That is J-e-a-n-n-i-n-e, W-a-i-t.

I know that I am preaching to the choir here, but one of the first things millions of annual visitors to Moab see is the towering tonnage of toxic tailings. A roadside legacy of our uranium mining past, and a clear sign that our present government is not concerned with the health and safety of our community, our many international visitors, or the millions of downstream citizens who depend on the water in the Colorado River.

I am in favor as everyone else has been of moving the Atlas tailings pile to the Klondike area, which would cost less than a couple of days expense of continuing the unpopular war on Iraq.

Thank you.

MR. METZLER: Thank you.

Document #103 Fields, Sarah Sierra Club

MS. RYAN: Sarah Fields.

MS. FIELDS: My name is Sarah Fields, and I am speaking as a fairly long, not too long, but it has been a number of years here in Moab, and since 1987, have been working on this Moab situation.

And I am also speaking on behalf of the Glen Canyon group of the Sierra Club.

Everyone has made incredibly wonderful and informative comments, so I will try to cover some of the things that perhaps haven't been covered.

One thing I want to point out is that we are operating under Uranium Mill Tailings Radiation Control Act of 1978, and when Congress passed that Act, they did a couple of house reports, and those house reports indicated what their intent was when they passed this Act.

One of the things they indicated was that they expect that the public is to have a strong role in the selection of any remedies through procedures provided by the National Environmental Policy Act, and is expected that the Secretary will give full consideration to the wishes of the public as is expressed through those processes.

So congress intended that our comments today count, and they count big time. We are not talking about money, we are not talking about the various technical aspects of the situation, we are talking about the considered wishes of the public.

Congress also said that in some cases the department will remedy inactive tailings hazards, and the tailings will be removed from the original processing sites and disposed of at more suitable locations.

Doesn't that make sense. So I think everybody said that the original processing site is not a suitable location. And many people have said Klondike Flats, some people have said Klondike Flats or Crescent Junction. We have felt that Crescent Junction is the better site, and the tailings, if moved there, would be the safest, and away from human intrusion, and would be the least likely spot for the contamination of the environment.

And a couple of reasons for that is the shale in the Crescent Junction area is much deeper, there is not the kind of impact from tourists, from people running around on ATVs and bicycles, the way there is in Klondike Flats. And also Klondike Flats is right next to or close to the airport. It is also close to the refuse disposal site.

So particularly during the remediation period, if it were to be moved there, there would be a tremendous amount of impact in that area. And we are looking for the most isolated site, and that is the Klondike Flats site -- I mean the Crescent Junction site, right, and by rail. Obviously transportation by truck would have enormous negative impacts on the traffic on Highway 191, and would probably severely impact that roadway and it would, in the end, it would just have to be replaced, and I don't think the DOE has considered that into their financial calculations.

Another concern that I have is that if the DOE decides to leave the pile in place here in Moab, that that might not happen for years and years and years. There is going to be still the question of a settlement of the tailings pile. The DOE does not really know how long that is going to take. So you are talking about maybe eight years, 10 years, 12 years, 15 years, maybe never.

Thank you very much for the opportunity to comment.

MR. METZLER: Thank you, Sarah.

MS. RYAN: Bob Sutters. No Bob Sutters, okay.

Document #104 Lowe, Janet Grand County

Janet Lowe.

MS. LOWE: Janet, J-a-n-e-t, Lowe, L-o-w-e.

In the 14 years I have lived in Moab, I don't believe I have ever seen this county unify on any issue, and it speaks volumes to how important this issue is that we are unified as much as we are.

There were 22 waste piles located along waterways. Twenty-one of them were moved because they were considered too dangerous to remain in place. Yet it seems there are people or agencies who want us to believe that this last one is safe enough to be capped in place, when actually this pile, one of the largest and potentially most toxic, is near -- is probably one of the least stable of all of the 22 water piles. It is situated on one of the most powerful rivers in the west, and the

river has apparently during the last 40 years migrated 300 feet toward the pile, not away from it. I simply don't buy that this pile is safe enough to cap in place. And I think the only reason that it would remain on the banks of the Colorado River is money. But if the government thinks it would be costly to move it now, I have to ask how expensive it would be to clean up the length of the Colorado, from here to the coast. I have to ask how expensive it would be to reclaim millions and millions of acres of agricultural lands that use that water. And I have to ask at what cost in terms of the safety and health of the millions of people who live downstream in Arizona, Nevada, California, and Utah.

I don't believe that the government has a right to gamble with so many lives and so many economies, in the event of a catastrophe, and today perhaps more than any other time in our history we know that catastrophes do happen.

You have spoken of uncertainty and many issues related to this pile and to the river. And because of these uncertainties there is only one option. Move it, move it the shortest distance. Move it in the safest way possible, to the most secure place possible. And do it as soon as humanly possible.

Thank you for your time.

MR. METZLER: Thank you.

Document #105 McCleary, Jeff Individual

MS. RYAN: Mr. McCleary.

MR. McCLEARY: M-c-C-l-e-a-r-y.

I would like to make a couple of comments on the draft EIS as well. It does note in several places that Utah wants the pile moved due to river migration issues, but doesn't note that Grand County has previously expressed river migration issues in a series of correspondence between Grand County and the Nuclear Regulatory Commission in the 1996, '97 time frame. And there was some data that was submitted by Grand County in conjunction with that series of letters. One was an air photo study that we did comparing photos taken on June 30th of '75, and August 17th of '95, so a 20-year time frame. Those photos were digitized and rectified in our info, and indicated the river moving toward the pile.

We also did a little sediment-logical study looking at heavy minerals in the Colorado River. The idea being that Atlas at the time was claiming that Courthouse Wash and Moab Wash had sufficient strength to essentially overpower the river and force the Colorado to the south away from the pile.

Well, if you look at the sediment type in the Colorado River, and the sediment types coming out of Courthouse Wash and Moab Wash, and then you could sample sediments on the north side of the river, on the pile side of the river, you should see if indeed Moab Wash and Courthouse Wash were overpowering, you should see a heavy minerals sweep that was characteristic of two streams, rather than a heavy mineral sweep that was characteristic of the Colorado River.

So it was a very simplistic little thing. We just took some small samples, magnetite was the easiest thing to look at because literally you can pick it up with a little kitchen magnet. And as you would expect, the Colorado has a high magnetite content that is eroding through Precambrian igneous metamorphic rock at the headwaters, and carries that material along downstream. Courthouse Wash is almost clean of magnetite. You are draining a pretty good-sized area of mesozoic sandstones that have a lot of those heavy metals oxidized and leached out of them so you don't see much.

Moab Wash a little bit in between, because you are draining an area that has Cutler sediments, and they do contain some magnetite, but far less than what we see in the Colorado River.

And Peter Haney and I put down a little -- who was a county councilman back in that time frame, and I kind of volunteered some of my time to work with Peter, and we went out and checked McClasky's property on the north side of the river, and put down a little hand auger boring, a glorified posthole digger that Peter and I welded up in his back yard, and the sediments there have a magnetite content that is much more similar to the Colorado River, than either Moab Wash or Courthouse Wash. So you would expect some input of sediment, you would not necessarily expect to see a total match with the Colorado River, magnetite sweep, but what we are seeing is a strong indication that the river has migrated back and forth across the valley through geologic time.

So that bit of data of course was available since '96, and I guess I am a little bit upset that that information, you know, conflicting opinions, whatever, did not necessarily make it into the EIS. It does acknowledge uncertainties, but it kind of looks like maybe some selective data has been utilized.

Another comment on the geologic hazard evaluation section of the draft EIS does not discuss the formation of breccia pipes due to salt dissolution. It is a more localized feature than the general ongoing salt dissolution that is occurring. You usually see blocks of overlying stratigraphic units that are dropped down in a coarse breccia, angular material in a fairly circular pipe like structure. These are very common all through the Paradox Basin, you see them down in Lochart Basin, you see them along the southeast margin of Moab Spanish Valley, and the closest one to the Atlas site is right across the street at the entrance to Arches Park. And it is a probability argument, would one of these things form at or under the pile, it is hard to say, but it is something that has been studied, it has been known to the NRC, they are supposed to be a cooperating federal agency, and it doesn't show up in the draft EIS.

And I think one of the problems might be that there is kind of a lack of a systematic discussion in the EIS features, events and processes that could impact the ability of the Moab site to adequately contain the waste.

30 seconds, I will have to go fast.

I think that a disciplined, systematic look at features such as the breccia pipe and the faults, processes such as river migration and salt dissolution and events such as even climate change, the best models now are that in 600 to 1,000 years we might be moving into a glacial, which would mean more larger floods and more frequent floods on the Colorado, and a systematic look at all of the things that could affect that site I think would benefit the document.

Thank you.

MR. METZLER: Thank you.

Document #106 Thuesen, Jim Individual

MS. RYAN: Jim Thuesen.

MR. THUESEN: Thank you. Jim T-h-u-e-s-e-n.

I had a couple ideas when I came tonight, but I have been taking some little notes and this meeting is inviting informed citizens to come and speak. Well, I don't know what your count is, but I found 25 people say move the pile. I haven't found anybody say leave it where it is. Now there are differing opinions. I talked to one of the old-timers one time who said, all this mining we did, he said there wasn't any problem, and after about two minutes of coughing, he said when it was handled right. Well, let's handle it right. That is the problem, some of the miners, a lot of miners, have big problems, because they were in unventilated mines. That was the biggest thing. The guys who came out all right, they said, the mines they worked in had free-flowing air all the time. So that is something that we didn't realize at the time. The government wanted uranium, we gave them uranium, and it caused a lot of problems. Now we are asking the government to do the opposite. We are asking them to move this uranium, and it is not the uranium so much, it is all the rest of the stuff that goes in there. We want them to move it, and we want them to move it someplace safe for everybody, not just for us. We don't use that water. The closest I get to that water is upstream or way downstream, because I don't want to swim outside that tailings pile.

There is a lot of things we have talked about, the water issue, the river issue. I can't believe that we can say that pile will not some day be washed away, or part of it washed away, and it won't take much. And what happens if it is washed away? So we are talking about 26 million people in the U.S. The first thing that is going to happen is if the integrity of that pile is broken by the river, it is going downstream, and then I see these pumps just going off, bang, bang, bang, all the way down through every lake, every dam, the pumps are going to be shut off. And where is it going to go? It winds up going down to the Sea of Cortez, which is where by treaty with Mexico, some of it is supposed to go, and I don't know if they have gotten any in the last number of years, but when they get it, it is going to be all bad. The Sea of Cortez, I don't know how many of you go there, I love Baja, I am going down there in May, the Sea of Cortez is one of the world's greatest fisheries. It is where many, many species breed only, it is the only place where certain species of fish breed. And if we set this stuff to go down there, what is going to happen to them. It is not just national politics, it is international politics, Mexico, South America, everywhere below here is going to be affected if there is a problem with this tailings pile. And there is nothing we can do about it, except move it.

I am sorry, I just can't believe that we have ever gotten smart enough or strong enough to beat Mother Nature. Look at Florida, look at St. George, look at Florida, every year they get the hurricanes, and I want to tell you 120 or 130,000 c.f.s. in the Colorado River is going to put that all to shame, because it is going to take this out, it is going to change the look of the Grand Canyon, because that is how it was made.

I kind of think the real easy way to change this is if there is somehow we could divert the flow of the Colorado River, change it to go up through Salt Lake City and out to Washington, D.C. and be done, no problems, everybody would have a good time. Otherwise, you know, we have this -- you cap it in place, what do we have, we have another tourism thing, the Moab pyramid, the glowing pyramid of Moab. If you get rid of it, we might actually be able to use that land for some good reason. I know the golfers all say a golf course. I am thinking about a river park or just so many things we could do with all those acres.

And I am being told I am done, and I can't think of anything else I want to say, except for all of our sakes, please move it.

Thank you.

MR. METZLER: Jim, thank you.

MS. RYAN: Jim was the last person on the list who signed up to comment. Is there anyone who would like to comment, can I see a show of hands?

MR. METZLER: Let's take a five minute break, we have been going for awhile, and this is a very important subject, you are all serious, but let me just change the mood just a second. I was so worried about staying on time tonight and really being efficient with all of your time, and I keep looking at the back of the room and the clock says it is only 6:48, so -- off the record.

(Off the record).

MR. METZLER: All right. We are back.

Document #107 Regehr, Ron Individual

MS. RYAN: I would like to begin with Mr. Ron Regehr.

MR. REGEHR: Thank you for your having this tonight. R-e-g-e-h-r.

I want to thank everybody for coming here tonight. But I notice there are some people missing. John Mathis, our local representative is not here. Bob Bennett, our senator is not here. Warren Hatch, our other senator isn't here. They are the guys that are going to make this thing happen if we prod them enough. So our job as well as attending these presentations and impact statement reports, talking to each other, writing letters to the editor is to write letters to the people who are going to vote on this. Let them know where we stand, let them know how we think. Ask these people to give us a copy of our comments so we can send them to our elected representatives, because they are the ones that will ultimately make the decisions that will affect our lives. Rest assured, if this tailings pile was on the side of the Potomac it would have been moved 10 years ago. If it was in Crawford, Texas it would be moved next week. But it happens to be in Moab and nobody cares but us.

So our responsibility is to take charge of our lives, to do what we have to do, to get this tailings pile moved. Showing up here is a good sign, but we have to go farther than that, we have to do more. We can't stop and think, gee, I missed out on dinner, I am going to have a late dinner but I

said something. We have to continue, we have to continue putting pressure on the people that make the decisions.

And thank you very much.

MR. METZLER: Thank you.

Document #108 Graham, Audrey Individual

MS. RYAN: Audrey Graham.

MS. GRAHAM: Audrey Graham, just like the cracker, G-r-a-h-a-m.

I just want to thank the DOE for bringing us together like this, like I have never seen before, bringing our community together, and I would love to see us continue working like this, but I hope it is not over something this serious.

We the public in this community are really stuck with no ability, practical, financial or otherwise, to deal with this pile that is right next door. We also are really -- we have no financial, practical, or actually responsibility, to take care of the health and safety of the 25 million people or whatever, downstream. So as the scientists and politicians fight this all out, what we need is action, and to me, we have come up and done our part, we have stepped up to the plate and done our part. And we are not asking to move this pile to Connecticut or to New Jersey. We are willing to pick up this pile and keep it in our community, and I am happy that geology has given us what the scientists are telling us is a safe place to put the pile. We didn't do that, but I am just happy that we have that, and just think that we need to be given some credit for doing our part as much as we can and finding places to put it. And I definitely think that the only ethical, sane thing to do is to move this pile.

With this EIS not having a preferred action, it does appear or sort of appear to me that it leans heavily on capping in place, and that really worries me that this is the report that will go to the decision makers.

My understanding, it has been brought up before, that there are something like 22 similar sites, 21 of which have been moved. Why is this site less important? Why are we less important?

Thank you.

MR. METZLER: Thank you, Audrey.

MS. RYAN: Those are the only two I had signed up.

Document #109 Stolfa, Dave Individual

MR. STOLFA: My name is Dave Stolfa, S-t-o-l-f-a, and I am a concerned citizen. And I guess how many here, raise your hand if you are in favor of moving the tailings. How many want it capped in place?

Let the record show that I think it is unanimous, or was there one vote. It wasn't unanimous, but it was very highly weighted towards moving it.

I want to talk about the risks and uncertainty of leaving it in place. These deal with questions of geology and hydrology, and I know some people in the community of both those fields, and they are not exact sciences, they have only got histories of 120 years of direct evidence, of how the river flows. They only have sunk drill holes in a certain number of sites, or bounced sound waves off the subsurface. That is going to change over time.

If you look at what has happened to citizens in Utah in the last two generations, 1950s on, nuclear testing has affected us, and now we say, gee, we shouldn't have done that. Radon and mining has affected citizens. And now we say, oh, the standard practice is we shouldn't have done that.

My question is, what are we going to say in 20 years, oh, gee, we shouldn't have capped that pile. It was common sense we should have moved it. We think we have all the answers today. I think it is still very uncertain. If there is uncertainty we ought to take the safer route and move the pile. I don't really have an issue, I would say probably Klondike Flats, by train, would be my solution. I just am against capping it in place.

Thank you.

MR. METZLER: Thank you.

MS. RYAN: Is there anyone else who didn't sign up?

Document #110 Darke, John Individual

MR. DARKE: D-a-r-k-e, John.

I appreciate that this is an on-the-record proceeding. And in an earlier portion of the NEPA process, I made the comment that, let's see, that I felt it was fair and it would be informative for the DOE staff if they could hear, you know, the suggestions.

One other person has responded, I believe a DOE contractor, and said we don't want to intimidate with the report. I think we have learned tonight, that it wouldn't have hurt.

I would like, if it is acceptable to direct my comments on the record, in the context of this NEPA proceeding directly to this Secretary of Energy, and the appropriate Assistant Secretary, who will be delegated the responsibility with respect to overseeing the immediate decision-making process, which supposedly the Draft Environmental Impact Statement will impact. It is a decision-makers' document. I have reviewed thoroughly the DEIS, and I notice that it refers in many places elsewhere, if you want more information about this, go over, for example, to the site observation work plan. That is a three-volume set. I brought one volume, I didn't want to bring it up here, and cumulatively, it is about like that (indicating), with a whole bunch of plates that are about like this (indicating), and that document in turn refers to many other substantiations of the work product. Mr. Secretary, never since approximately 1970, where I appeared pro se, as I am here, have I ever seen such a disconnect between the Draft Environmental Impact Statement, and

the technical material compiled by the DOE contractors, the DOE staff, that shows up in some, for example, Stoller's site observation of the plan, that three-volume set. It shows up -- I have never seen a more unsupported document. When you want to see whether a statement which is made is true or not, or there is a material misstatement of fact by omission or commission, normally you will be pointed by a footnote.

And, Mr. Secretary, another thing that you need to take into consideration, is that never once from 1959, when this site was first licensed, through 1975, when the AEC relinquished responsibility for the regulation of this site to the NRC on January 18th of that year, up through the regulation by the NRC, of the licensee Atlas, through Price Waterhouse Cooper, who took over the site at the behest of the NRC, supposedly as a licensee, but probably as nothing more than a contractor, and through the arrival in town due to an amendment of the Atomic Energy Act, the Uranium Mill Tailings Radiation Control Act of 1978, by a private bill, the arrival in town of the DOE. I have since the '70s paid attention to some of the details, but most particularly, to the process, and the processes revealed, it is revealing tonight, that this is a NEPA process, that never once was the licensee representative a member of the public pro se like myself, a regulator, or as far as I know, no one outside of perhaps some civil proceedings somewhere, has been required to raise their right hand and swear to tell the truth and nothing but the truth, so help me, under the threat of perjury. This has never happened.

When I first became curious about this site back in 1987, I applied for a hearing, and it would have been a formal hearing, but back in Washington, and I have seen the paperwork, the decision was made that there is a proposed rule, so we don't have to have anybody get up and raise their right hand, and the licensee agreed, the licensee in the first place had asked for the hearing, is when they shut down the site. And from that day on, no one, DOE personnel, DOE contractors, all the way back, nobody has been required to go before a quasi-judicial body, or a judicial body outside of a civil proceeding, and raise their hand and say I am going to tell the truth.

Back to this. I have now so many unsubstantiated claims. I feel that regardless of the decision whether to move it, or to cap it in place, that this community, and I don't speak for this community, I am asking you, Mr. Secretary, there must be an opportunity for accountability, for transparency, there must be a forum in which your persons must get up in public and swear to tell the whole truth and nothing but the truth.

One more point, and I am through. There is an oversight process, once the DOE makes the decision as to whether to move it or cap it in place, the NRC will once again be in a position to concur with the Secretary of Energy's decision-makers. They in a way will have oversight over the DOE. The NRC for years, since 1975, and the AEC before that, has avoided having to get up and raise their right hand. And frankly, Mr. Secretary, I would respectfully request, as I understand it now, that the same NRC personnel that allowed in their -- through their regulatory responsibility to get to this past, will have oversight responsibilities over the DOE. I don't think that is appropriate, and I would respectfully request an alternative to that situation.

I have the utmost respect for the current project manager at the NRC, Dr. Myron Fleigel. He is a good person, he has a good technical team, but I feel that there is a conflict of interest, and it is an institutional conflict.

MR. METZLER: Thank you, John.

MS. RYAN: Anyone else who would like to comment?

Document #111 Cozzens, Dave Individual

MR. COZZENS: Dave Cozzens, C-o-z-z-e-n-s.

I don't have much to say, but I will say the same thing I have been saying for about the last 10 years since this fuss first exhibited itself. I want to see the tailings pile moved probably as much as anybody does, and that is as soon as it is proven that it is safe to do so. Anybody who has any doubts about the validity of my concerns should look up the article called Radon Daughter, and study what it will do to a biological body, and you might take note, and my facts could possibly be in error, but I am very certain that the first time that radon was ever detected in the monitoring system out there at the mill was when Price Waterhouse Cooper came here and began to dry out the pile. And I hope, I don't know exactly, I am not up to date on what is happening out there right now, but I hope that they are not drying out the pile anymore.

And I certainly would like to see it moved, if it can be done safely. I am not sure that it can. I am a lot more concerned about the people in this valley, including my family and my friends, than I am about any number of the millions of people downstream or any fish.

Thank you.

MR. METZLER: Thank you, Dave.

MS. RYAN: We have time for one or two more comments. All right. I would like to encourage everyone to give us their full written comments, at the back of the room there is a comment box, and again on this sheet, there are some more copies back there, it gives you the ways you can comment. Was there one other person?

Thank you.

(Public hearing concluded at 8:45 o'clock p.m.).

REPORTER'S CERTIFICATE

I, Joseph J. Rusk, do hereby certify that the foregoing is a true transcript of the testimony given and the proceedings had.

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The Draft Environmental Impact Statement (DEIS) Public Hearing held at the College of Eastern Utah, Arts and Events Center Auditorium, 639 West 100 South, Blanding, Utah, on the 27th day of January, 2005, at 6:00 o'clock p.m., before Joseph J. Rusk, Registered Professional Reporter and Notary Public at Large.

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Document #112 Webb, Chris City of Blanding, City Manager

MS. RYAN: Chris Webb.

MR. WEBB: Thank you. I am Chris Webb, C-h-r-i-s, W-e-b-b, I am City Manager for the City of Blanding and am speaking as a representative for the City of Blanding. We are a cooperating agency, and the first thing I would like to say is we appreciate the opportunity to be involved in the process, and it has been a very professional process. One thing we have learned is that there are uncertainties with the whole process of determining what to do with this site, and that the decision-makers that are making decisions aren't all in Washington, that a lot of those decisions on what is included in the EIS and some of the comments that may have been determined to not be viable have not been included. So some decisions have been made already, with respect to what is in the EIS, and in general, and some of those comments and decisions that we don't totally agree with, but in general, we agree with the EIS. First, it appears as you look at the EIS that the first thing you want to try to start to do is to interpret it yourself and make decisions regarding, all right, this is the cheapest, that is the way we ought to go. Well, if that were the case then we would obviously do nothing and leave it in place and DOE would go away. And so we think that it is obvious that just because it is the cheapest, doesn't mean that is the way we ought to go. We are of the opinion that to leave the tailings capped in place does not eliminate the potential damage to the river and surrounding properties. In addition it does not stop the river's continuous move toward the contaminated pile. In our opinion, leaving it in place would only be a temporary solution with little to no investment return tradeoff.